



FROM JEFFERSON TO LINCOLN

BY

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PREFACE

To tell in brief compass, but with accuracy and clearness, the history of the United States in the eventful period from 1815 to 1860, necessitates the exclusion of nearly everything that relates mainly to the development of particular States, and of some topics which concern the growth of the nation as a whole. The present volume, accordingly, has been restricted chiefly to the exposition of three lines of development, namely, constitutional growth, the rise and progress of political parties, and slavery. Side by side with these dominating interests run the birth and expansion of a new sense of democracy; and of this, too, in the field of its political expression, I have sought to give a view.

To the long list of writers who have traversed this period, in whole or in part, every succeeding narrator is deeply beholden. To three of them, however, I gratefully acknowledge special indebtedness: to Mr. James Ford Rhodes, whose monumental History must long remain the definitive account of the period subsequent to 1850; and to Professor Theodore Clark Smith and the late Professor George P. Garrison, whose volumes in the *American Nation* series are works of notable insight.

WILLIAM MACDONALD.

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FROM JEFFERSON TO LINCOLN

CHAPTER I

THE UNITED STATES IN 1815

THE War of 1812 has been called, for the United States, a "second war of independence." Although, like many figures of speech, the saying is neither wholly accurate nor sufficiently comprehensive, it nevertheless serves to call attention to one important outcome of the war. The United States had, indeed, been a free and independent nation since the treaty of Paris, in 1783, yet it had not been able at all times to assert its full authority, or to resist aggression, or to protect its citizens or their property. Discriminating duties on American commerce, scant courtesy in diplomatic relations, the impressment of American seamen, the search and seizure of vessels and their crews, were only the more striking examples of the injuries to which, because of its youth, weakness, and inexperience, the nation had been obliged to submit, and against which its dignified protests had commonly gone unheeded.

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With the ratification of the treaty of Ghent, however, in December, 1814, the long years of qualified dependence came to an end. To be sure, the treaty itself contained no reference to impressment, or the right of search, or arbitrary interference with American commerce, all of which Madison, in his war message of June 1, 1812, had adduced as sufficient grounds for a declaration of war; but it was generally understood that, though not formally renounced, none of these assumed rights would be exercised again. Nor was public opinion in this country disturbed by the fact that this renewed recognition of the complete independence which the United States had always claimed was due much less to England's failure in the war, than to the overthrow of Napoleon and the end of the gigantic European struggle which, to Englishmen at least, had seemed to make the conduct of Great Britain justifiable. It was enough that there had been a war, that the United States had won, and that now there was peace. As to the precise causes of the war, men might differ as long as they chose to debate, but there was general agreement, in England as well as in America, that those causes would never operate again.

The territory included within the limits of the United States in 1815 extended from the Atlantic Ocean to the Rocky Mountain

watershed on the west, and south to the Spanish provinces of East and West Florida. Portions of the northern boundary, from the mouth of the St. Croix River to the St. Lawrence, and from the western end of Lake Superior to the Rocky Mountains, were as yet undetermined notwithstanding several attempts to agree upon the line. The original area of 1783 had been more than doubled by the purchase of Louisiana, in 1803. Beyond the Rocky Mountains, where Spain still held possession, there was as yet no thought of ultimate American occupation; but the Florida provinces, possessing no natural land boundaries, yet at the same time blocking the natural expansion of the United States to the Gulf of Mexico, were already coveted and were destined shortly to be absorbed. Territorially, the country was a unit; expansion had followed natural lines, and the variety of soil and climate, the extent of coast line, and the control of the great Mississippi valley, made the area occupied by the United States preëminently fit for the home of a great nation.

The population had long been growing apace. The 3,900,000 inhabitants in 1790 had become 7,200,000 in 1810, and were to be 9,600,000 in 1820. Virginia, with a population of 974,000 in 1810, was the largest State, with New York second and

Pennsylvania third in rank. By 1820, however, New York, with a population then of 1,372,000, rose to first place, with Virginia second and Pennsylvania third. While no State lost population between 1810 and 1820, the older and smaller States of the Atlantic seaboard, with virtually their entire area occupied by settlement, showed, with one or two exceptions, the smallest gains. The lower South and the West, on the other hand, were exhibiting prodigious growth. Alabama, admitted as a State in 1819, had 127,000 people in 1820; Louisiana, with 76,000 in 1810, returned 152,000 ten years later. Between 1810 and 1820 the population of Kentucky leaped from 406,000 to 564,000, that of Tennessee from 261,000 to 422,000, that of Ohio from 230,000 to 581,000, and that of Indiana from 24,000 to 147,000. Even the then extreme frontier State of Illinois grew, in the same decade, from 12,000 to 55,000.

The source of this great gain in numbers was still, as it had been from the beginning, mainly the natural increase of population; foreign immigration, exclusive of the importation of negro slaves, being as yet of slight importance. The United States was still presenting the conditions which economists have pointed to as favorable for a maximum natural growth in numbers: namely, a healthy climate, fertile soil, abundance of

cheap land, freedom from pestilence or devastating epidemics, and, save for two and a half years, long-continued peace. Under such circumstances the birth rate tends to be high, families are large, and the duration of life is long. Perhaps nowhere in the world was there greater opportunity for every man to earn a living for himself and his family, a higher standard of domestic comfort, a more abundant food supply, or better physical conditions for health, longevity, and the care of young children, than in the United States in the first quarter of the nineteenth century.

The distribution of population, on the other hand, was very different from that with which we of the present day are familiar. In 1810 there were only eleven towns or cities in the United States with a population of 8000 or over, and but thirteen such places in 1820; and in each of these years this urban population comprised less than five per cent. of the total. Less than one-third of the total area of the country was properly to be regarded as settled. Extensive tracts in northern New York, northwestern Pennsylvania, western Virginia and northern Ohio were still practically unoccupied, as were nearly half of Georgia and Alabama and two-thirds of Mississippi, Indiana, and Illinois. Between the Ohio, the Mississippi, and the Great Lakes seven-

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eighths of the country was still a wilderness in 1820. At the close of the War of 1812, nine-tenths of the people of the United States were living in country districts or small communities, for the most part within easy reach of the ocean, the Gulf of Mexico, or a navigable waterway.

The Union comprised, in 1815, eighteen States and five Territories, besides the District of Columbia. To the thirteen original States had been added Vermont in 1791, Kentucky in 1792, Tennessee in 1796, Ohio in 1802, and Louisiana in 1812. Maine was still a part of Massachusetts, and was not admitted as a State until 1820. The Territory of Indiana, which at first had comprised all of the original Northwest Territory not included in the State of Ohio, had been reduced by the formation of Michigan Territory in 1805, and of Illinois Territory in 1809; the remainder became the State of Indiana in 1816, Illinois following in 1818. The Territory of Mississippi was coextensive with the later States of Alabama and Mississippi, save for their extreme southern portions, which still belonged to Spain. Mississippi entered the Union as a State in 1817, and Alabama in 1819. The Territory of Missouri, organized in 1812, comprised all of the Louisiana acquisition not included in the State of Louisiana.

In the organization of their governments

the States presented in the main the same general characteristics. With the exception of Connecticut and Rhode Island, each had a written constitution emanating from the people, and subject to amendment or revision either at stated intervals or whenever the people chose. Each had a governor, a legislature of two houses, and a graded system of courts. The democratic movement which had carried Jefferson to the presidency in 1801, and which was shortly to bring Andrew Jackson to the same office, had already shown itself in State constitutions in more liberal provisions regarding the suffrage, an increase of legislative power at the expense of the executive, and a tendency to elective rather than appointive officers. With the exception of Louisiana, each had inherited the English common law, and had begun to build about it a structure of statutes and judicial decisions. The federal courts, however, had already begun to exercise a unifying influence upon the laws of the States, although the great constitutional decisions of Chief-Justice Marshall were, for the most part, yet to come.

In local government, on the other hand, there was much diversity. New England still clung to the town meeting, with its direct control of local interests by the whole body of voters, and its invaluable opportunity for training in public speaking and in

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the practical duties of citizenship. The South still had its old type of county government, a representative system under which the larger landed gentry retained effective political control. New York, New Jersey, and Pennsylvania had mixed systems, compounded of both town and county elements, and befitting States in which populous communities were more numerous than in the South, and the county more important than in New England. In Ohio, as in the other States presently to be formed west and north of it, the early settlers were inclined to reproduce the type of local institutions with which they had been familiar in the States from which they came; with the result that in the northern sections, peopled principally by emigrants from New England and New York, a modified town system was established, while in the southern portions, mainly settled from Virginia and North Carolina, a modified county system was the rule.

If it was true that the War of 1812 freed the United States from a certain irritating subjection to England and France which had been its bane, it was also true that the war went far to break the hold of old party allegiances, and opened the way to a reconstruction of parties and a far-reaching readjustment of political life. The Federalists, memorable for the skill with which they

had launched the new republic, had overreached themselves in the Alien and Sedition Acts of 1798; and after their defeat by the Republicans, under the astute leadership of Jefferson, in 1800, they were never again able to win a national election or control either house of Congress. In New England, especially in Massachusetts, and in a few other States, they were still a power, but their opposition to the war, their efforts to prevent the use of the militia by the Federal Government, and their connection with the Hartford Convention, had gone far to dim their historical prestige, and withered them from a national party to a State or local faction.

The aristocracy of birth, education, wealth, business or social prominence, and public service which Federalism represented, embodying as it did the more obvious vested rights and interests of the community, gave to the country a strong and efficient government. It was, indeed, of inestimable advantage that a party directly, if to some degree selfishly, interested in a firm and orderly conduct of national affairs, controlled the government during its formative years. An administrative organization was perfected, the national debt funded, a sound financial system inaugurated, and a dignified diplomacy exercised. The sympathy and coöperation of a well-to-do and educated

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class were secured for the maintenance of a government which, however oligarchical at times in form, was in spirit a government by the best for the benefit of all.

It was the mission of Jeffersonian Republicanism to replace this aristocratic régime by a new social order, under which the people at large should enjoy more direct political control. Jefferson, more familiar than any American of his time with the causes and principles of the French Revolution, and sympathizing at heart with the great democratic ferment of which the Revolution was only the more violent manifestation, sought, by reducing government to its lowest terms, to apply what he believed to be the original theory of the Constitution: a government of strictly delegated powers, under which whatever was not specifically granted to the nation was absolutely withheld. He had opposed the creation of a national bank, in 1791, not because a bank might not be a good thing, but because the Constitution did not authorize it; and the written opinion in which he summarized his views is still the best epitomé of his political philosophy and of his theory of American constitutional law.

Yet it cannot be said that the new policy was, on the whole, strikingly different in practice from the old. Jefferson did, indeed, cut down the army and navy, abolish a

superfluous set of federal courts, repeal internal taxes, replace Federalist civil officers with Republicans, and greatly reduce the debt. The general administrative system, however, could not be materially altered, since it conformed to the Constitution and to the needs of the country. Jefferson could reduce the national government to lower terms, but the general scheme framed by the Federalists could hardly be dispensed with. Nor was he entirely consistent either as a Democrat or as a strict constructionist. The last six years of his presidency saw the restoration of about the same measure of formality in executive life as had characterized Washington and Adams; and he stepped outside of the Constitution and bought Louisiana, without perceptible tremor or misgiving, when in his judgment the national welfare required it.

Political consistency, however, has never been rigorously exacted from statesmen, and Jefferson is entitled to as great latitude of judgment as has commonly been accorded to other great popular leaders. And the political and social changes which took place in the decade of which the War of 1812 is the center were, from most points of view, very considerable. A new generation of young men, to whom the American Revolution was a glorious tradition rather than a personal experience, came upon the stage

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and took direction of political affairs. It was they who, under the magnetic leadership of Henry Clay, pushed the war to a successful conclusion. Old party lines became dim or disappeared altogether, clearing the ground for new issues and new doctrines. The basis of suffrage widened with the gradual removal of religious and property qualifications. Most potent of all was the new consciousness of nationality, born of common participation in a successful war.

Of this new national spirit the West was easily the most complete embodiment. "The West" of that day had barely touched Lake Michigan or the Mississippi, although to most men in the East anything beyond the Appalachian Mountains seemed indefinitely remote. Raw and crude as it was, however, the West had drawn its people from the best blood of the older States, and was as Anglo-Saxon a region as any in the country. Life was hard and rude, conveniences few, manners unconventional and often rough; for the men who were conquering a wilderness, fighting Indians and making homes were poor, and cared little about a new-comer's social origins provided he was honest and intelligent and could work.

Such a region became inevitably the home of democratic freedom. There were no old families, no long tradition of public office, no inherited estates, no marked con-

trasts of wealth. In their place was equality of opportunity for everyone who cared to make his own way. Abundance of cheap land increased the number of landed proprietors, widened the basis of suffrage, and made the farmers the foundation of a free society. There was not wanting, of course, the inevitable defect of the quality: impatience of restraint, frank contempt for form and custom, slight regard for experience or training, and rough and ready ways of bringing things to pass. Yet even these characteristics, irritating as they long were to the more formal and conservative East, were only the temporary and superficial expressions of the democratic spirit now planted as firmly in America as in Europe, and whose struggle for recognition and control gives to the history of the nineteenth century its absorbing interest.

Yet there were disturbing features. With all its fresh consciousness of nationality, unity of national spirit had yet to be attained. ~~Between the slave States and the free States the difference was one not merely of climate or of race relationship, but of civilization. The East feared and distrusted the West, where the admission of new States, each with two senators, threatened the influence of the East in Congress. The foreign slave trade, prohibited by law in 1807, had not been prohibited in fact;~~

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the domestic slave trade flourished; and in Indiana Territory there had been public opposition to the anti-slavery provision of the Northwest Ordinance of 1787. No effective scheme of national party organization had yet been developed, conventions and platforms were still half a generation in the future, and the selection of candidates for President and Vice-President was left to a self-constituted congressional caucus.

The United States of 1815 was a vast, thinly settled country without railroads or telegraphs, with but few canals, and with the steamboat just beginning to be perfected. The construction of turnpikes had been entered upon, but most of the common roads were badly laid out, poorly built, and in wretched condition in wet weather or when much used. The traveler who could not go by sailing vessel along the coast made his journey by stagecoach, or more often by private carriage or on horseback. Inns were small, dirty, and crowded to the limit of decency. Emigrants to the West made their way in ox-carts, driving their cattle before them. Communities fifty miles apart were more remote than cities which today are separated by a thousand miles.

A high standard of domestic comfort prevailed, notwithstanding the inconveniences, as they would now seem, of ordinary

domestic life. Beautiful examples of colonial architecture were to be found in Salem and Providence, in Boston, New York, and Philadelphia, and in tidewater Virginia. The average farmhouse of the better class was commodious and comfortable. But houses were still heated by open fires or stoves, lighted by candles or whale-oil lamps, and supplied with water from springs or wells on the premises. Spinning, weaving, and dyeing were common household occupations, and ready-made clothing was unknown. Hand labor was the rule in the shop and on the farm, ministers received a part of their meager salaries in food or fuel, doctors bled, blistered, and purged, lawyers and judges "rode the circuit," and school teachers plied the rod and "boarded 'round."

Intellectually the nineteenth century in America had not yet come to differ radically from the eighteenth. Common schools and academies, found everywhere in the North and older West, gave meager elementary instruction. For young men who intended to be doctors, lawyers, or ministers, upwards of thirty-five colleges offered courses of classical study, to be supplemented, in the case of lawyers and doctors, by private study under some local practitioner. Higher education for women and technical or industrial education were not yet regarded as necessary. A few of the larger towns pos-

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sessed circulating libraries, and recent English and French books were not infrequently seen; but books in general were more expensive than now, and "cheap editions" had not yet begun to spread good literature among the masses. On the other hand, the careful reading of good books, especially the Bible, was a habit of the age, and helped to form an English style which, notably in the case of public men, was often as correct, forcible, and polished as the best English speech or writing of the day.

The religious life of the United States still resembled, in the main, that of the later colonial period. Congregationalism was still, to some extent, a State church in Massachusetts and Connecticut, as well as the prevailing faith of the influential classes elsewhere in New England. Part of the hostility to Jefferson in that section was due to his free religious views — views which today would perhaps cause him to be classed as a Unitarian, but which in his time were regarded as near akin to atheism. The Unitarian movement, however, had already been launched, and was shortly to precipitate in New England an epoch-making religious change. The Episcopal body, not yet strong in New England, was numerous in the Middle States and predominant in the South, although in both sections the Baptists and Methodists were strong rivals.

In the West Baptists, Presbyterians, and Methodists predominated, and on the frontier the circuit preacher, as devoted as was ever missionary priest, carried the ministrations of religion far and wide. Great revivals periodically swept over whole communities, and theological controversy raged as sects multiplied.

Between the East and the West, notwithstanding certain obvious contrasts, there was, on the whole, essential social likeness. To pass the southern boundary of Pennsylvania, on the other hand, was to enter a different community. Here the forced labor of negro slaves, mainly spent in the production of cotton, rice, and tobacco, formed the basis of economic prosperity. Between the whites and the negroes was fixed the impassable gulf of race and color; and although the majority of whites owned few or no slaves, it was the slaveholding aristocracy that set the tone of social and political life. Plantation life did, indeed, develop masterful men, able and aggressive in political leadership, chivalrous and polished beyond the common habit of the North. But slavery was already a "peculiar institution," out of harmony with the free spirit of the age, and putting more and more upon the defensive the section that lived by it. Between the patriarchal system of the South, with its staple agriculture and slave labor,

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and the growing industrialism of the North, ~~with its freer labor and more open mind,~~ there was at bottom an "irrepressible conflict," ~~concealed~~ for the moment by the new feeling of nationality and the new realization of independence, but destined to be, for nearly fifty years, the one overshadowing question of American politics.

58 years -

1850

CHAPTER II

ECONOMIC AND POLITICAL READJUSTMENT 1815-1828

THE year 1808 marks the beginning, for the United States, of a new period of industrial development. The passage of the Embargo Act in that year, followed in 1809 by the Non-intercourse Act, and then, three years later, by war, practically stopped for the time being the importation of European manufactures, and compelled the country to rely upon its own resources. The invention of the cotton gin, in 1793, had for the first time made it possible to put cotton upon the market in large quantities, and had greatly stimulated the production of that staple. Yet in 1804 there were only four cotton mills in the United States, and England still took the larger part of the American crop.¹ New England capital was mainly invested in shipping and foreign trade, while the South, apparently set apart by nature for the production of a few great staples, saw no profit in manufactures equal

¹ Bogart, *Economic History of the United States*, 142.

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to that already being realized from agriculture.

The period from 1808 to 1815 saw the establishment, or the development from previous small beginnings, of manufactures of cotton, woolen, and linen textiles; of iron, leather, paper, and glass; of candles, soap, earthenware, and oil; and of numerous other articles of general use. The annual value of manufactured products was estimated in 1810 at nearly \$199,000,000, an increase of \$79,000,000 over the previous year. As foreign trade was for the time being nearly destroyed, first by the embargo and then by Napoleonic decrees and British orders in council, the production was almost exclusively for home consumption.

The return of peace brought in upon the American market a flood of English manufactured goods, a large part of which represented accumulated stocks, and which were offered at prices that for the moment defied competition. Imports rose in value from less than \$13,000,000 in 1814 to \$147,000,000 in 1816, a figure higher than was attained in any subsequent year until 1850. The customs receipts exceeded \$36,000,000, nearly three times the amount estimated by Dallas, the Secretary of the Treasury, and constituting nearly four-fifths of the total receipts of the government for that year.¹

¹ Dewey, *Financial History of the United States*, 161.

With American capital and labor thus threatened, and with peace in Europe opening a prospect of new markets for American products, a demand for protection was inevitable. Madison urged protection in his annual message in December, 1815, and Dallas submitted an elaborate report and the draft of a bill. Out of the debates in Congress, reinforced by a general demand throughout the country, came the Tariff Act of 1816. Although not, as has often been said, the first protective tariff, it was the first in which duties were consistently imposed with a view to protection rather than revenue. The vote in favor of the bill was not, indeed, overwhelming. New England was divided, though upon details rather than upon principle; while the South cast thirty-four votes in the House of Representatives against the bill to twenty-three in its favor. Webster, speaking for the commercial interests of New England, argued against the bill, while Calhoun of South Carolina supported it. On the whole, however, the act was treated as a measure of general national benefit, dictated by the exigency of a national danger.

A few days before the Tariff Act became law, Madison affixed his signature to a bill creating a national bank. The first Bank of the United States, chartered in 1791 at the suggestion of Alexander Ham-

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ilton, with a capital of \$10,000,000, had expired by limitation in 1811. A bill to renew the charter failed in the Senate by the casting vote of the Vice-President, George Clinton. For the next five years the government funds were intrusted to State banks, of which there were eighty-eight in 1811. Dallas, who became Secretary of the Treasury in 1814, strongly favored a return to the old system; and after the veto by Madison of a bank bill in 1815, a bill creating the second Bank of the United States finally became law April 16, 1816.

The act of 1816 provided for a bank with a capital of \$35,000,000. One-fifth of the capital was held by the United States, which also was given a corresponding representation in the board of directors. Branches were to be established in the several States and in the District of Columbia, the main office being in Philadelphia. The funds of the government were to be deposited in the bank or its branches, unless the Secretary of the Treasury at any time directed otherwise. In return for the use of the government moneys, the bank was to act as the fiscal agent of the United States; was authorized to issue notes, to the amount of its capital stock, which the government undertook to receive so long as they were redeemable at par in specie; and was

guaranteed the enjoyment of its monopoly privileges for twenty years.

With the enactment of a protective tariff and the erection of a bank, the young Republicans in Congress had laid the foundations of a broad national policy. It was clear, however, that the republicanism of 1816 was very different from the body of doctrine that bore that name before the war. Neither protection nor a bank could be justified save under a broad, or loose, construction of the federal Constitution, such as Hamilton had brilliantly championed in 1790-91. The whole sum and substance of the strict construction theory of the Constitution had been stated by Jefferson, as it happened, in an official opinion against the constitutionality of the first bank. The young Republicans had now seized the constitutional mantle of the Federalists, and in so doing prepared the way for the new alignment of parties which was presently to take place.

The attitude of the three great leaders who for the next generation were to hold the center of the political stage is as interesting as it is important. Webster, shortly to be acclaimed as the greatest of American constitutional lawyers, opposed the tariff and the bank. Calhoun, the intellectual leader of the South and before long the chief exponent of State rights, strict construc-

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tion, and nullification, was now a nationalist and a broad constructionist, supporting both the tariff and the bank. Clay, who as Senator from Kentucky had opposed the renewal of the charter of the first bank in 1811, as Speaker of the House supported the bank bill of 1816. Within a dozen years the positions of Webster and Calhoun, as also the positions of the sections which they represented, were to be reversed, and each was supporting that which had formerly been condemned.

To the demand for a protective tariff and a bank was added the demand for federal aid to internal improvements. The West of 1815 was, indeed, little more than the now near-by country just beyond the Appalachian Mountains; yet it could be reached only by a toilsome journey over roads which as yet showed little engineering skill. Moreover, while such highways as there were might suffice for emigrants, post-riders, or occasional travelers, they hindered almost as much as they aided the development of commerce. The prosperity of the West depended upon the development of roads and canals and the improvement of river channels, by means of which the grain, flour, cattle, and other products of the region could reach a market.

With all its energy and ambition the West as yet had little capital, and the develop-

ment of adequate transportation facilities on so vast a scale seemed, to the new communities, beyond their power. The tide of westward migration which set in immediately after the war raised again the question of federal aid. It was urged that roads and canals, though bringing immediate benefit to the towns and districts through which they ran, were in fact only links in the chain of interstate highways, indispensable to commercial, agricultural, and industrial growth, serving to bind the people of the States together, and a necessary safeguard in case of war. The expense of construction and maintenance, accordingly, ought not to be devolved upon any one State, but should be assumed by the federal government as a national undertaking.

Madison, in his last annual message in December, 1816, urged upon the consideration of Congress the necessity of a comprehensive system of internal improvements. When, however, Calhoun secured the passage of a "bonus bill," appropriating for that purpose the bonus of \$1,500,000 which the Bank of the United States was to pay for its privileges, together with the dividends received by the government on its portion of the bank stock, Madison vetoed the bill on the ground that a constitutional amendment authorizing such expenditure was necessary. Monroe, who succeeded Madi-

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son as President in 1817, took the same view. It was not until 1825, when John Quincy Adams became President, that internal improvements received active executive support.

In the meantime, however, the Cumberland Road, begun by the United States in 1806, was extended steadily westward through southern Ohio and Indiana. The first steamboat appeared on the Ohio in 1811, and by 1816, when the first trip up the Mississippi from New Orleans was made, there were at least fifteen steamboats plying on Western rivers. The steamboat solved the problem of navigation up stream, but for many years a vast commerce down stream continued to be carried by the cheaper method of flatboats or rafts. In 1817, convinced that federal aid could not be obtained, the State of New York began the construction of the Erie Canal, connecting Lake Erie with the Hudson. The completion of the canal in 1825 assured the commercial supremacy of New York City, at the same time that it greatly facilitated travel and commerce between the East and the West.

With protection, a national bank, and internal improvements as starting-points, the ground was being cleared for the formation of a new political party. Constitutionally the new party must accept Ham-

ilton's theory of implied powers, or loose construction, since upon that ground alone could either of the policies just mentioned be justified. It was evident that the old Republican party, historically bound to strict construction, could not long remain united in the face of the new nationalism.

The leader of the new movement was Henry Clay, who since 1813 had been Speaker of the House of Representatives. A winsome orator and skillful politician, the idol of young men and the embodiment of the best spirit of the West, Clay was preëminently fitted for the task of forming and directing a new party; and his aggressive championship of the "American system," as he styled the new program, won for it a rapidly increasing support. Closely in sympathy with him was John Quincy Adams, Monroe's Secretary of State: a statesman of large caliber and strong national spirit, destined, if precedent should continue to be regarded, to succeed Monroe in the presidential office. Webster, too, though opposed to the tariff of 1816, must eventually ally himself with the new republicanism, for the reason that the constitutional doctrines which, as a lawyer, he was already expounding with consummate power left him no other ground on which to stand. And when, in 1819, in the case of *McCulloch vs. Maryland*, the Supreme Court

upheld in all respects the constitutionality of the Bank of the United States, there was added to political theory the final weight of judicial decision.

The expansion of the United States in the direction of its natural boundaries, which in 1803 had added to the original area the vast province of Louisiana, made further progress in 1819 in the acquisition of Florida. The Spanish province of West Florida, with the important port of Mobile, had been claimed by the United States as part of Louisiana. Spain, however, declined to admit the claim and also refused to sell. Accordingly, in 1810, Madison took it by force, and in 1811 Congress, by a secret act, authorized the seizure of East Florida also; but the protest of Great Britain checked further aggression, and in 1813 the American troops were withdrawn.

The position of the Floridas, preventing direct access by land to the Gulf of Mexico and affording convenient asylum for fugitive slaves and hostile Indians, was peculiarly irritating to the United States. The Spanish authorities, embarrassed by the unhappy condition of affairs in Spain, could not or would not maintain order. In 1818 Andrew Jackson invaded East Florida, took St. Marks and Pensacola, and summarily executed two British subjects. February 22, 1819, Adams concluded with Spain a treaty by

which, in return for the assumption of certain claims of American citizens against Spain, to an amount not exceeding \$5,000,000, East and West Florida were ceded to the United States. The southern boundary of the United States was thus rounded to the Gulf, and the control of the Mississippi further assured. By the same treaty the western boundary of the United States was fixed, beginning in the Sabine River, and Spain relinquished all claim to territory on the Pacific north of the forty-second parallel—the northern boundary of the present State of California.

While the negotiations with Spain were proceeding, and before the treaty was signed, the twin issues of sectionalism and slavery challenged the attention of the nation. Early in 1818 there had been presented to Congress the application of the legislature of Missouri, which had been organized as a Territory in 1812, for the admission of part of the Territory as a State. February 17, 1819, the House passed a bill for admission with an amendment imposing restrictions on the further extension of slavery in the new State; but the Senate refused to concur.

December 14 Alabama became a State. Of the twenty-two States now in the Union, eleven were free and eleven slave. The disproportionate growth of population in

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the North and the South had long since given the free States a majority in the House; but with the Senate equally divided between the sections, slavery was secure against federal interference. The admission of Missouri with slavery would not only destroy this sectional balance, but would also perpetuate slavery in a region north of that in which slave labor had thus far been regarded as necessary.

When Congress met in December, 1819, the admission of Missouri with slavery was again urged. In the meantime the people of the District of Maine, with the approval of Massachusetts, had held a constitutional convention and applied for admission as a State. As there was no question but that Maine would be free, the South demanded the recognition of slavery in Missouri as an equitable offset.

The struggle which ensued forms a landmark in the history of slavery in the United States. The House passed a bill to admit Maine. The Senate added a "rider" in the form of an amendment admitting Missouri with slavery, but prohibiting slavery forever in the remainder of the territory acquired from France north of $36^{\circ} 30'$. The House rejected the amendment, and the result was a deadlock. Throughout the country the excitement was intense, and a flood of petitions, remonstrances, and resolutions

poured in upon Congress. A compromise was finally effected by which the Senate agreed to allow the Maine and Missouri bills to be voted upon separately, while the House accepted the amendment permitting slavery in Missouri but excluding it from the remainder of the Louisiana purchase.

In March, 1820, Maine became a member of the Union. The admission of Missouri, however, was delayed. When the Constitution of Missouri was submitted to Congress for approval, it was found to contain a clause prohibiting free negroes or mulattoes from entering or settling in the State. As this was apparently a violation of the Federal Constitution and of the rights of citizens under it, the legislature of Missouri was required, by a "solemn public act," to give pledge that the clause in question should never be so construed as to deprive any citizen of any State of the privileges and immunities to which he was entitled under the Constitution of the United States. The legislature accepted the condition, and in August, 1821, Missouri was admitted.

The significance of the Missouri Compromise lay primarily in the fact that it established a geographical line, north of which, save in Missouri, slavery was forever to be prohibited, but south of which it was, by inference, to be permitted. In so doing, Congress asserted its right not only to ex-

clude slavery from a portion of the public domain, but also to determine, in this respect, what the social institutions of particular States should be. Only remotely was the compromise a step towards abolition, since there was in it no expression of right or disposition to interfere with slavery in any State in which it had hitherto existed. What the compromise did was to put slavery upon the defensive by stamping it as a "peculiar institution," permissible, indeed, under State law, but subject to geographical restriction in the interest of national welfare.

In his second inaugural address, March, 1821, Monroe congratulated the country upon the continuance of friendly relations with European powers, but spoke with some anxiety of the war which was still going on between Spain and its American colonies. The opposition to Bourbon domination in Spain had been taken advantage of in the Spanish-American colonies, and by 1821 all of them, from Mexico southward, had declared their independence and set up revolutionary governments. When, in 1823, the so-called Holy Alliance was believed to be preparing to assist Spain in reëstablishing its authority, Great Britain proposed to the United States a joint declaration against European intervention in the colonies; but Adams, who did not care to see the United States in the position of "a cock-boat to

a British man-of-war," declined. Russia, meantime, had advanced a claim to all of the Pacific coast of North America north of the fifty-first parallel, and closed the region to foreign traders.

It was this situation that called out the declaration of the "Monroe doctrine." In his annual message in December, 1823, Monroe, speaking with reference to Russia, declared that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers." As to the Spanish colonies, the message announced that any attempt to extend the European political system "to any portion of this hemisphere" would be regarded as "dangerous to our peace and safety"; and that interference with the colonies "for the purpose of oppressing them, or controlling, in any other manner, their destiny," could be viewed in no other light than "as the manifestation of an unfriendly disposition towards the United States." The warning was effectual, and projects of intervention were abruptly dropped. In 1824 Russia by treaty relinquished its claims on the Pacific coast south of $54^{\circ} 40'$.

Monroe was not a man of forceful personality, and the great events of his administrations were the results of influences over

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which he himself exercised little control. The successes of his foreign policy are to be credited to Adams rather than to him. He was, however, reëlected without opposition in 1820, and would have been the unanimous choice of the electors but for the action of a New Hampshire elector, who cast a solitary vote for Adams. So complete, on the surface, was the obliteration of old party lines that Monroe's second administration (1821-25) came to be known as the "era of good feeling." In reality the period was one of personal followings and factional differences out of which were presently to come a general political reorganization, a new drawing of party lines, and new and serious aspects of the struggle between particularism and nationalism.

Of the new issues that made for sectionalism, that of the tariff seemed most threatening. The tariff of 1816, though affording a higher and more general measure of protection than had existed before, failed appreciably of its object, partly because of defects in the act itself, and partly because of a financial panic in 1819. In 1824, accordingly, a general revision was made, with increased protection for textiles, iron, glass, and lead, and a specific duty on wool. New England divided on the bill, the vote of that section in the House being fifteen in favor to twenty-three in opposition; while

in the South only one vote was given for the bill to forty-seven against it. In the Middle States, on the other hand, sixty of the seventy-five votes were given for the bill, while in the West there was not a vote in opposition.

Clearly the tariff was becoming a sectional issue, and the attitude of the sections was changing. Webster, still representing a commercial constituency, spoke weightily against the bill; but New England as a whole had read the signs of the times, and an economic revolution which was soon to transform that section from a commercial to a manufacturing region was already well advanced. The South, on the other hand, with no manufactures to protect and with its fortunes bound more and more to cotton, was swinging rapidly towards free trade. And when, in 1828, the "tariff of abominations," with its extraordinarily high duties on raw materials, became law by the unexpected aid of New England votes, Webster appeared as the champion of protection, while the Legislature of South Carolina, adopting an elaborate report framed by Vice-President Calhoun, solemnly protested against the act as a violation of the Constitution.

The multiplicity of candidates in the presidential election of 1824 showed how completely old party lines had disappeared.

The leading candidate was John Quincy Adams, whose position and services as Secretary of State gave him by precedent the first claim. Clay, the Speaker of the House, and like Adams a broad constructionist, was a formidable aspirant. William H. Crawford of Georgia, the Secretary of the Treasury, had strong support, but his nomination by a congressional caucus, an early device long in use but now discredited, hurt his cause. Andrew Jackson of Tennessee, the "hero of New Orleans," was sure of strong support, although his supposed sympathy with protection was counted upon to weaken his candidacy in the South. Calhoun, the Secretary of War, coveted the high office, but stepped aside for the time being to accept the unimportant honor of the Vice-Presidency.

The result of the election was the choice of Calhoun for Vice-President, but no choice for President. Of the electoral votes Jackson received 99, Adams 84, Crawford 41, and Clay 37. Under the Constitution the House of Representatives was required to choose from the three candidates having, respectively, the highest number of votes. The influence of Clay, who was ineligible, was naturally thrown for Adams, and the latter was elected. The outcome had been foreseen before the choice was made, and the cry of a "corrupt bargain" raised; and

when, in March, 1825, Adams made Clay his Secretary of State, the truth of the charge, which Clay had indignantly denied, was by many regarded as conclusive.

Jackson, though conceding the constitutionality of the election, insisted that he himself was the popular choice, and that the "will of the people" had been thwarted; and he lost no opportunity to spread, as he doubtless sincerely believed, the "corrupt bargain" accusation. John Randolph, Senator from Virginia, poured out the vials of his wrath on "the combination of the Puritan and the black-leg." It was a heavy burden for the new administration, and one which Adams, with all his ability and statesmanship, was ill-fitted to bear. So far as the recommendations of his messages are concerned, their breadth of view and national spirit entitle Adams to a place in the front rank of American Presidents; but a prevailing public opinion classed him as of the old régime, and against the on-coming tide of Jacksonian democracy he was powerless. The old order was changing, giving place to new.

CHAPTER III

JACKSONIAN DEMOCRACY

1828-1837

THE presidential campaign of 1828 may be said to have begun with the election of Adams by the House of Representatives in 1825. The new party lines were still indistinct, and national nominating conventions had yet to be evolved. In October, 1825, Jackson was nominated by the legislature of his own State, Tennessee, and for the next two years similar action by legislatures or other bodies in all parts of the country kept the ball rolling. The friends of Crawford were won over by Martin Van Buren, who early in 1827 made a tour of the South for that purpose. The action of Van Buren was especially significant because it carried with it the support of the "Albany regency," the political machine which since 1820 had become increasingly powerful in New York.

Early in Adams's administration the followers of Clay and Adams took the name

of National Republicans, a name which they were later to exchange for that of Whigs. The followers of Jackson, united as yet by a common opposition to the administration more than by adherence to a common political creed, were at first known simply as "Jackson men," a designation presently supplanted by that of Democrats, under which name the party has since had unbroken existence. A third party, the Anti-Masons, sprang up in New York in 1826-27, and spread with such rapidity in a few other States as to threaten for a time to become of national importance; but opposition to freemasonry proved too slight a basis for permanent influence, and in a few years the party disappeared.

It was less a campaign of parties or principles, however, than of candidates. Increased appropriations for internal improvements, together with the "tariff of abominations," did, indeed, draw with greater sharpness the line between loose and strict constructionists; but the strength of the opposition lay, not in constitutional arguments, but in its comprehensive slogan "Hurrah for Jackson!" The electoral vote showed 178 for Jackson against 83 for Adams. The popular vote, on the other hand, the only true gauge of public opinion, showed no such overwhelming preponderance. In a total vote of 1,155,340, Jackson received

647,276. In Maine, New York, and Maryland the electoral vote was divided; for the rest, the South and West, together with Pennsylvania, voted solidly for Jackson.

From whatever point of view it might be regarded, the election was unquestionably a triumph for "the people," whose candidate Jackson preëminently was. It remained to be seen whether "the people" could govern; whether the constitutional system of the United States, framed at a time when the limitation and direction of the popular will, rather than its unfettered expression, were deemed essential to an orderly conduct of affairs, would lend itself to the new demand for more direct initiative and control. Would it be possible for a President, swept into office by a great popular wave of mingled enthusiasm and revolt, to maintain respect for the Constitution, the laws, and the courts, safeguard the rights of capital and industry, resist encroachments of the States upon the proper sphere of federal authority, enlist in the service of the government those most competent for the task, and win for the country increasing respect among other nations, and at the same time retain the coöperation and esteem of "the people"? Would the American democracy, led by a frontier soldier, permit government to be regarded as a serious business?

In one direction, at least, the beginning

was not hopeful. Jackson was scarcely seated in the presidential chair before the looting of the civil service began. Under Washington and John Adams appointments to office had, for the most part, fallen naturally to Federalists. The eight years of Jefferson's administration worked a pretty thorough reconstitution in personnel, but purely partisan removals were infrequent. Jackson, accepting without reserve the theory of "rotation in office," threw open the federal civil service to the spoilsmen. By December, 1829, when Congress met, it was estimated that a thousand removals had already been made. Neither age nor faithfulness nor financial need availed to retain an office if a supporter of the "old hero" wanted it. To Jackson the widespread demoralization of the federal service which ensued seems to have been a matter of indifference; and upon him, more than upon any other President, must be placed the responsibility of giving to the spoils system a place in both the theory and the practice of American government.

With something akin to a reign of terror inaugurated among the executive departments at Washington, and in the post-offices and customs offices throughout the country, Jackson began an attack upon the Bank of the United States. Although badly mismanaged in its early years, the

bank was now, under the presidency of Nicholas Biddle, in sound and prosperous condition. From the first, however, a powerful and aggressive opposition to the institution had shown itself. In 1819 the Supreme Court, in the case of *McCulloch vs. Maryland*, had upheld the constitutionality of the bank; but the weight of Chief-Justice Marshall's decision had not sufficed to prevent persistent attempts, in many Southern and Western States, to tax the branches of the bank or even to prevent their operation altogether. As the greatest financial monopoly in the country, and one of the largest at the time in the world, the opponents of the bank denounced it as a menace to the freedom and purity of elections; while the State banks, jealous of its privilege of note issue, and compelled to conduct their own business on equally safe lines, charged the Bank of the United States with unfriendliness to local interests and with catering to the "money power."

At the end of his first annual message, in December, 1829, Jackson inserted two short paragraphs in which he declared that "both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens," and that "the great end of establishing a uniform and sound currency" had admittedly not been realized.

The same charges, somewhat amplified, were repeated in the message of 1830. Beyond an investigation and a report sustaining the bank, Congress paid no attention to either message. The charter of the bank did not expire until 1836, nearly two years and a half after the term for which Jackson had been elected. The bank would doubtless apply for a renewal of its privileges, but for the consideration of that question the time seemed ample.

In a brief paragraph in his annual message of 1831, Jackson declared that, having "conscientiously discharged a constitutional duty," he deemed it proper to leave the question "for the present," without further argument, "to the investigation of an enlightened people and their representatives." In the light of what presently took place the words have an ominous significance, but they were generally taken as indicative of an intention to drop the matter. Biddle, the president of the bank, rashly chose the moment as an opportune time to bring the question of a re-charter before Congress. A bill substantially identical with the existing law, but with provision for a bonus of \$3,000,000, payable in fifteen annual installments, instead of the original bonus of \$1,500,000, passed Congress in July by small majorities.

To the consternation of Biddle and his

friends, Jackson vetoed the bill. The veto message attacked the bank as a monopoly, for whose exclusive privileges no adequate return was made to either the people or the government, and as a menace to the business of the country and to politics. In a memorable passage, better indicative, perhaps, than anything he ever uttered of his attitude towards the Constitution and the courts, Jackson brushed aside the contention that the constitutionality of the bank ought to be regarded as settled now that the Supreme Court had affirmed it; and claimed for the executive an unrestrained right, independent of either legislature or judiciary, to judge what was constitutional and what was not. The majorities in Congress in favor of the bank were not sufficient to pass the bill over the veto, and it failed.

In vetoing the bank bill Jackson had taken the bold step of throwing the bank question as an issue into the presidential campaign of 1832. His triumphant reëlection in November was interpreted as a vindication of his course, and a popular condemnation of the financial policy which the alliance between the government and the bank embodied.

He now proceeded to complete the work of separation. Convinced, both by the general policy of the bank and by its course immediately following the veto, that the

institution was unsound, he called upon his Secretary of the Treasury, McLane, in May, 1833, to remove from the bank and its branches the federal deposits. When McLane refused, he was "kicked upstairs" and made Secretary of State, and Duane appointed in his place. In September Jackson read to the cabinet an elaborate statement of his reasons for desiring the removal of the deposits, and pointed out that the members of the cabinet, though in no way bound to do anything which they believed to be illegal or which their consciences condemned, were nevertheless bound, if they continued in office, to coöperate with the President in carrying out his policy.

Duane was opposed to the bank; but since he did not believe the bank to be unsound, and was convinced that the removal of the deposits under the circumstances would be unlawful, he refused to issue the necessary orders and also refused to resign. He was accordingly dismissed. His successor, Taney, later chief-justice of the Supreme Court, and the principal author of the paper read to the cabinet, took the action desired. The government moneys were withdrawn, and thereafter deposits were made in selected State banks under carefully guarded contracts.

In December the annual message of the President, and the accompanying report of Taney, informed Congress of the steps that

had been taken; but a copy of the cabinet paper, called for by the Senate, was refused, although the paper had already been published. After a debate which extended over more than three months, the Senate, on March 28, 1834, adopted resolutions condemning Taney's statement of reasons as "unsatisfactory and insufficient," and declaring that the President, "in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

Against the resolution of censure Jackson, in a vigorous message, protested; but the Senate by formal resolutions charged him with further usurpation of authority, denied the right of protest, and refused to enter the message upon its journal. Thereupon Thomas H. Benton of Missouri, Jackson's leading spokesman in the Senate, announced his intention "to introduce, at each succeeding session, a motion to expunge the resolution of censure from the journal until the desired action was taken or his own public career ended." January 16, 1837, after two unsuccessful attempts, the victory was won. The manuscript journal of the session of 1833-34 was brought into the Senate, and the Secretary drew black lines around the censuring resolution and

wrote across its face, "in strong letters," the triumphant words, "Expunged by order of the Senate, this sixteenth day of January, in the year of our Lord 1837." To Benton it was, like Cromwell's destruction of the Scottish army at Worcester, "a crowning mercy."

It would be a mistake to suppose that Jackson's attack upon the Bank of the United States was due entirely to hostility to that institution as such. Jackson's ideas of public finance were hardly more than elementary. His hostility was directed against banks in general, rather than against any particular bank; and when, to a bank as representing the "money power," there was added the element of a great monopoly, the argument was, in his judgment, complete. That his method was aggressive and forcible to the point of brutality does not weaken the general soundness of his contentions; for the bank, with all its usefulness, had unquestionably become a menace.

Jackson could hardly have challenged the bank with confidence in 1832 had he not, by that time, become the absolute master of his party. His first cabinet was not a strong one; and in 1831 a quixotic attempt to compel the ladies of the cabinet to receive Mrs. Eaton, wife of the Secretary of War, regarding whose early character suspicions had been rife, broke it up. Van Buren by

good fortune retained Jackson's regard, and was presently nominated minister to England. He proceeded to his post in September, only to learn in February, 1832, that the Senate had rejected his nomination. The rejection helped rather than injured his political prospects. Jackson had already determined upon Van Buren as his political heir, and the program was now carried through with relentless energy. In spite of bitter hostility to Van Buren because of his political methods, the Democratic national convention — the first held by the party — was compelled to accept him as the candidate for Vice-President.

Jackson had already been endorsed by so many legislatures and other bodies that the convention of 1831 had nothing to do save to concur in the renominations. The election was a great Democratic victory. Jackson received 219 electoral votes against 49 for Clay, his Whig opponent. The popular vote showed 687,502 and 530,189 for the two candidates respectively.

While Van Buren, the "little magician," shone brighter and brighter in the reflected light of his chief, the stars in their courses seemed to conspire against Calhoun. In 1824, and again in 1828, he had given way to Jackson and accepted the office of Vice-President, meantime carrying in his breast the uneasy memory of a certain cabinet

meeting, in 1818, at which he had urged that Jackson be court-martialed for his invasion of Florida. When, in 1830, Jackson learned of that episode, friendly relations between the two men were at an end; while the popular demand for the reëlection of Jackson forced Calhoun not only to give up the vice-presidency, which he could not hope to hold for a third term even if he wished, but also to face the loss of the presidency.

Close on the heels of the election came the nullification outburst in South Carolina. The tariff act of July 14, 1832, did indeed temper some of the excesses of the "black tariff" of 1828, but at the same time showed no abandonment of protection as a principle. A divided vote in New England and the South was more than offset by solid support in the Middle, Western, and South-western States. Six weeks later Calhoun, now thoroughly converted to the strict construction view of the Constitution, set forth, in an elaborate letter to Governor Hamilton of South Carolina, "the final and classical exposition of the theory of State sovereignty." On the 22d of October the Legislature of South Carolina met in extra session, and four days later called a convention to nullify the tariff laws.

The convention met November 19, and on the 24th issued the famous Ordinance of Nullification. In the name of the people

of the State, the ordinance declared the tariff acts of 1828 and 1832 to be unauthorized by the Federal Constitution, and "null, void, and no law"; forbade the collection of the duties within the State; and threatened secession in case the United States should in any manner attempt coercion. An oath to support the ordinance was prescribed for all State officers, civil and military.

Jackson had not been an indifferent spectator of these extraordinary proceedings. Friends kept him fully informed of what was going on, and the army and navy were in readiness. His annual message of December 4 made only brief allusion to what had transpired. Six days later, however, he issued a proclamation that fell with stunning effect upon the ears of the nullifiers. With elaborate and cogent argument, and in a vigorous tone not to be misunderstood, he denounced the doctrine of nullification as "incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." The nullifiers had apparently assumed that Jackson's lukewarmness towards protection would lead him to acquiesce in an attack upon the Constitution and

the authority of the federal government; but they had reckoned without their host.

Governor Hayne issued a counter-proclamation, and the adjutant-general of South Carolina called for volunteers. In January, 1833, Jackson sent to Congress a special message, and asked for the legislation necessary to enforce the revenue laws. Fortunately, perhaps, for both parties, the forces of compromise were already at work. A bill to reduce the tariff, introduced in the House December 27, made progress in spite of protectionist opposition; a "force bill" providing for the collection of duties appeared in the Senate; resolutions of State legislatures condemned nullification and upheld Jackson; and Virginia offered friendly mediation. On the 21st of January a public meeting at Charleston assumed to suspend the ordinance for the time being, and in February the convention was reconvened for March 11.

Before the expiration of the session, March 4, Congress had held out both the olive branch and the sword. A compromise tariff, mainly the work of Clay, provided for a gradual reduction of duties during the ensuing nine years until a twenty per cent level was reached. If Clay's course as the leading champion of protection was inconsistent, it at least prevented a rupture, and perhaps saved the protective system from

destruction then and there. On the other hand, the act for enforcing the tariff gave the President ample and much needed powers for the forcible collection of duties when necessary. The South Carolina convention adopted an ordinance nullifying the "force bill," but repealed the former ordinance of nullification. Calhoun, meantime, had resigned the untenable office of Vice-President and been elected United States senator.

Apparently the greater victory rested with South Carolina. The theory of nullification had, indeed, been condemned, and the authority of the federal government in the collection of customs duties asserted. But the protective tariff had been radically modified, and it was against protection that South Carolina had taken its stand. The nullification episode checked for the moment the growth of nationalism, emphasized sectional divergence, and once more made State rights and strict construction a practical political dogma.

Jackson had little regard for consistency. In the same year in which he read a lesson in constitutional law to South Carolina, he allowed Georgia to defy the Supreme Court of the United States and seize the rich lands of the Cherokee Indians, over which Chief-Justice Marshall, in an elaborate decision, had held that the State had no jurisdiction. Jackson disliked Marshall and

was not unwilling to see him humiliated; and he was doubtless influenced also by his belief that the Indians, though entitled to humane and just treatment, must not be allowed to impede the progress of civilization by stubborn refusal to sell their lands.

The same inconsistency appeared in the treatment of diplomatic questions, albeit that in two important controversies the record was one of success. In 1830 the lucrative trade with the British West Indies, from which Americans had been excluded by the English navigation acts ever since 1783, was opened on favorable terms. In 1836 France was compelled to provide for the payment of claims which dated back to 1800. Similar claims against Spain, Denmark, and the Two Sicilies were also adjusted. On the other hand, the United States flagrantly ignored its obligations as a neutral in the war between Mexico and Texas, although Jackson urged caution in the recognition by Congress of Texan independence.

In one direction only did Jackson unwittingly prepare calamity for his successor. Contrary to the prediction of friends of the Bank of the United States, the removal of the deposits was not at once followed by financial disorder. The "pet banks," while using the government deposits as security for note issues, were cautious. Various

causes, however, operated to bring on the familiar characteristics of a speculative period. The national debt was practically extinguished in 1835, and the compromise tariff, which could not be disturbed, began to produce a surplus. Capital was abundant in both the United States and Europe, canals facilitated the expansion of commerce, and the era of railroad building had begun. Even the States were incited to extravagance by an act of June 23, 1836, under which, in connection with the regulation of the deposits, provision was made for distributing the surplus revenue among the States.

The most striking illustration of the spread of the speculative fever appeared in the sales of public lands in the West. Receipts from lands rose from \$4,857,000 in 1834 to \$24,877,000 in 1836. Although by law payments for lands could be made only in gold or silver (the latter not then in active circulation), or in notes of specie-paying banks, the extraordinary expansion of credit in the West, with the consequent increased demand for paper money, caused a large part of the payments to be in fact made in State bank notes, the specie value of which was uncertain. In June, 1836, the deposit banks, with gross liabilities, including capital and circulation, of \$144,600,000, held only \$10,400,000 in specie.

When, therefore, the specie circular of July 11 directed the receipt, after August 15, in payment for lands, of nothing save gold or silver, or, in certain cases, unimportant Virginia land scrip, a wholesale curtailment of loans became necessary. To this was added the necessity of providing specie to the amount of the surplus revenue, the distribution of which began in January, 1837. The outcome of the disorder, taken in connection with the climax of speculation and the disastrous failure of crops in 1835 and 1837, was the severe financial panic which befell the country in the spring of the latter year.

Jackson, having dictated the choice of Van Buren for Vice-President in 1832, had early determined to elevate him to the presidency in 1836. The opposition, which since 1834 had taken the name of Whigs, was as yet loosely knit, and in the face of Jackson's aggressive course could do little more than denounce the "usurpation" of the executive. The continued hostility to Van Buren within the Democratic ranks, on the other hand, made it wise to insure an early nomination. In May, 1835, a subservient convention at Baltimore unanimously nominated him for President, with Richard M. Johnson of Kentucky as his associate on the ticket.

The Whigs, by nominating strong local

candidates, sought to throw the election into the House of Representatives. The Pennsylvania Whigs supported William Henry Harrison of Ohio, also the nominee of the Anti-Masons; Ohio supported Judge John McLean; Massachusetts nominated Webster. But the Democrats, superior alike in organization and in popular strength, carried the day. The popular majority for Van Buren was small, but the electoral vote stood 170 for Van Buren and 73 for Harrison, the nearest competitor. There was no choice for Vice-President by the electors, and the Senate, exercising its constitutional function in such a case for the only time thus far in our history, chose Johnson.

Jackson issued a farewell address, and at the close of his term retired, a triumphant popular hero, to his home at the "Hermitage," near Nashville, where he died in 1845. He had saved the presidential office from threatened eclipse by Congress, upheld the authority of the Union, waged successful war against privilege and monopoly, vitalized a national party, and brought "the people" into their own. Twenty-four years were to pass before the presidential chair was filled by a man at all comparable to him in native ability, political wisdom, or sure popular hold.

CHAPTER IV

SLAVERY AND ABOLITION

1815-1840

WHILE the new democracy, under the leadership of Jackson, was destroying the Bank of the United States, shaking the hold of the old political aristocracy, and forcing a reorganization of parties and a restatement of party creeds, there was arising in the North a new and formidable demand for the abolition of slavery.

The institution of negro slavery had undergone in the United States a long and somewhat varied development. Beginning in 1619 with the landing of a few negroes in Virginia, it grew but slowly during the colonial period, save in South Carolina. Throughout most of the seventeenth century it was closely rivaled by the system of indentured white servitude. In the first half of the eighteenth century it was sustained less by settled conviction of its inherent goodness or economic profitableness than by a steady stream of fresh importations directly encouraged by the English

✓ crown. In 1774 the first Continental Congress declared against further importations, not so much because of moral opposition to the trade as because prohibition would be a serious blow at the mother country.

In the meantime natural conditions of soil and climate had operated to confine slavery mainly to the South, where the production of tobacco, cotton, and rice as staples constituted almost the sole interest of agriculture, and where malaria and summer heat made it difficult for whites to labor in the field. By the time of the adoption of the Federal Constitution, in 1787, negro slavery had long since ceased to be of much importance in the North, and had either been abolished by State constitutions or laws, or was in process of complete extinction by various methods of gradual emancipation. On the other hand, the growing profitableness of slave labor in the South, with the consequent increase in the number of slaves, strengthened the demand for the preservation of the system; and the Federal Convention of 1787, in framing the Constitution, was forced to accept compromises by which three-fifths of the slaves were to be counted, in addition to whites, for the purpose of determining the membership of the House of Representatives; while the slave trade was shielded from national interference for twenty years.

From time to time organized moral opposition to slavery, coupled with demands for abolition, appeared in the North, and awakened sympathetic interest in the South, especially in Virginia. A vigorous agitation of the question in Massachusetts was checked by the coming on of the Revolutionary struggle. In New York and Pennsylvania abolition was persistently urged by numerous societies, in whose work the Quakers were particularly active. In 1790 there came before Congress memorials from abolition societies in New York and Philadelphia, of the latter of which Benjamin Franklin was president, praying for the abolition of the slave trade. In replying to the petitions Congress laid down the principles by which it was to be governed for the next seventy years: declaring by resolution that the slave trade could not be interfered with until 1808, although humane conditions during the ocean passage could be enforced; and that the treatment of slaves in this country, together with their emancipation, were matters solely for State control.

With the invention of the cotton-gin, in 1793, it became for the first time possible to put American cotton on the market in large quantities. A slave could now "gin," or clean of seed and chaff, some hundreds of pounds of cotton in a day; and the production of cotton grew apace. Before the

War of 1812 population from Virginia, the Carolinas, and Georgia had overflowed into the rich "cotton belt" of Alabama and Mississippi; while the wasteful methods of slave labor, and the unprogressive state of Southern agriculture as a whole, increased the demand for fresh cultivable land. Not all the slaveholding States, indeed, were adapted to cotton culture. Virginia and Maryland still relied mainly upon tobacco, and Kentucky was growing hemp. The increased demand for labor in the lower South, however, opened a market for the surplus slaves of the Border States, and that section accordingly joined with the North in prohibiting the foreign slave trade after January 1, 1808. The act was not genuinely enforced, nor did importations cease when, in 1820, the slave trade was declared piracy.

Even in the South, however, opposition to slavery did not die. In 1816 there was formed the American Colonization Society, having for its object the deportation to Africa of such emancipated negroes as were willing to go. For a number of years the society enjoyed much favor. Madison and Clay were numbered among its presidents, slaveholders subscribed to its funds, and a few States made grants in aid. The existence of the society testified to an uneasy feeling that slavery was indefensible,

and that the presence of free negroes in a slave region was a menace to the institution. The society never accomplished any important results, however, since the imported slaves far outnumbered those who were colonized. At best, its work was hardly more than a feeble apology for slavery.

The Missouri Compromise brought for the first time to national expression the feeling of apprehension with which the continued growth of slavery was regarded. Only indirectly, indeed, was the legislation of 1820 a declaration of hostility to slavery as such, for the reason that the compromise did not concern itself with the status of slavery in any State in which it had hitherto existed. But by the exclusion of slavery from the Louisiana purchase north of $36^{\circ} 30'$, Congress registered the decision of a majority of the people that the slaveholding area should be restricted, and that the larger part of the national domain should forever remain free. The compromise thus stamped slavery as a "peculiar institution," put it on the defensive, and limited the field of its development.

The period from 1816 to 1832 marks also a change in the attitude of the South on the question. So long as a protective tariff could be conceived of as diffusing its benefits throughout the country, whether a particular section or industry were directly

aided or not, the South faced with satisfaction the coming of an increased prosperity and a new industrialism. But when the tariffs of 1824 and 1828, though multiplying factories in the North, brought to the South no enhanced price of cotton commensurate with the enhanced prices of manufactured goods, the South rapidly cut loose from protection as unconstitutional and visionary, and fell back upon agriculture as the industry for which nature had fitted it. To devotion to cotton was thus joined advocacy of slavery; while the fact that the opposition to protection was almost entirely confined to the South added to the strength of the economic and political argument the weight of geographical unity.

After 1820, too, the opposition of the North declined. Southern planters sent their sons to Northern colleges, contributed to Northern churches and missionary societies, and spent money freely at Northern summer resorts. Throughout the North slavery had by this time disappeared, and free negroes were few. Antislavery societies ceased to be active, and the churches became silent. In New England the population, drawn on the one hand to the towns and cities by the growth of the factory system, and on the other to the West by the abundance of cheap land, was rapidly changing in character and distribution. A

new literature was arising, new intellectual interests were developing, and new social problems pressed for solution.

It was under such circumstances that William Lloyd Garrison launched his abolition crusade.

Garrison was born in Newburyport, Massachusetts, in 1805. He became a printer, and in 1829 entered the employ of Benjamin Lundy, a Quaker, at Baltimore, who had been publishing since 1821 an antislavery paper called the "Genius of Universal Emancipation." In the absence of Lundy, Garrison blew a blast against slavery which roused the city against him, and presently forced his withdrawal. Returning to Boston, he issued in January, 1831, the first number of the *Liberator*. In bold and uncompromising language he proclaimed his opposition to slavery in every form, and his purpose to agitate unceasingly for its abolition. "I will be as harsh as truth and as uncompromising as justice. . . . I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—and *I will be heard.*"

In 1832 the New England Antislavery Society was formed, followed in 1833 by the American Antislavery Society. The constitution of the latter society, while admitting the right of each State in which slavery existed to determine whether or not

it should be abolished, nevertheless denounced slaveholding as "a heinous crime in the sight of God," demanded its "immediate abandonment without expatriation," and declared against the domestic slave trade. As to the negroes themselves, the constitution framed this memorable platform: "This Society shall aim to elevate the character and condition of the people of color, by encouraging their intellectual, moral, and religious improvement, and by removing public prejudice, that thus they may, according to their intellectual and moral worth, share an equality with the whites of civil and religious privileges; but this Society will never, in any way, countenance the oppressed in vindicating their rights by resorting to physical force."

Before long the aggressive vigor of the Abolitionists, energized and directed by Garrison and his *Liberator*, brought the inevitable persecution. A school for young ladies at Canterbury, Connecticut, kept by Miss Prudence Crandall, a Quakeress, was broken up by the townspeople because Miss Crandall admitted a colored pupil. The citizens of Canaan, New Hampshire, voted that the academy in that town should be "removed" for similar reason; and ropes and oxen carried the vote into effect. In October, 1835, a gentlemanly mob in Boston dragged Garrison through the streets with a

halter about his neck, tearing his clothes and insulting him, until the mayor had him rescued and lodged in jail for safekeeping. In December, 1837, a mob at Alton murdered Elijah P. Lovejoy, the editor of an abolition paper, and destroyed his press and threw the fragments into the river. When, a few days later, at a great meeting in Faneuil Hall, Boston, the attorney-general of the Commonwealth apologized for the mob, Wendell Phillips, then a young man of twenty-six, turned upon him with the eloquent but withering reply: "Sir, for the sentiments he has uttered, on soil consecrated by the prayers of Puritans and the blood of patriots, the earth should have yawned and swallowed him up." Abolition had found its orator.

Comprising, as they did for some years, mainly radical reformers, and drawing in their train enthusiasts and visionaries of many stripes, it was inevitable that the Abolitionists should have to meet all sorts of false or ignorant accusations. A formidable slave insurrection in Virginia, under Nat Turner, in 1831, was ascribed to their influence. They were charged with favoring the amalgamation of the races: a thing which Southern spokesmen affected to regard as unspeakably odious, notwithstanding that the increase of the mulatto population, the result of illicit unions, was notorious through-

out the South. The charge that slavery was being attacked by unconstitutional means Garrison persistently denied, and with at least a semblance of justification. In his view the Constitution could not rightfully uphold the nation in sin; and if slavery was constitutional, then the Constitution was not so much to be violated as to be ignored.

What caused the greatest irritation in the South, however, was the circulation of abolition literature in that region by mail. The matter was a difficult one to deal with in a federal government, and the constitutional guarantee of freedom of the press was one not lightly to be invaded. In July, 1835, the mails were rifled at Charleston and a quantity of alleged abolition literature was destroyed. When the postmaster at New York applied to the Postmaster-General, Amos Kendall, for instructions, he was informed that while he could not lawfully refuse to receive abolition mail, he was not bound to forward it. In his annual message of December, 1835, Jackson urged upon Congress the exclusion from the mails of publications tending to incite slave insurrections, and Calhoun did his best to attach a detention proviso to the postoffice appropriation bill; but, fortunately for the good name of the United States, his efforts failed.

In addition to organizing abolition soci-

eties throughout the North, holding innumerable public meetings, and issuing newspapers and pamphlets, the Abolitionists early began systematically to petition Congress. With regard to the domestic and foreign slave trade and the status of slavery in the Territories and the District of Columbia, the power of Congress was complete; and before long a stream of memorials on these subjects, as well as on the general question of slavery, began to pour into the House of Representatives. John Quincy Adams, who in 1831 had been elected a member of the House, championed the right of the petitioners to have the memorials received and read.

The temper of the Southern members passed rapidly from irritation to anger. In the session of 1835-36 a great attack upon slavery by William Slade of Vermont, together with the demand by Adams that the petitions be not only received and read, but referred to a committee for consideration, threw the House into turmoil. The excitement was temporarily laid by the adoption, in May, 1836, of a resolution submitted by Pinckney of South Carolina, directing that all petitions and other papers relating in any way to slavery "shall, without being printed or referred, be laid upon the table, and that no further action whatever shall be had thereon." In February, 1837, Adams pre-

sented a petition signed by some twenty slaves, and again threw the House into a panic by inquiring whether the petition came under the rule. When, after angry discussion, he announced that the petition was against abolition, not in favor of it, an attempt was made to censure him for outraging the dignity of the House; but the question was finally disposed of by a resolution declaring that slaves did not possess the right of petition.

The adoption of a "gag rule" served only to swell the number of antislavery petitions, and to call out from New England legislatures protests against the rule as unconstitutional. The majority in the House was not disposed to stop, however, and in 1840 took the final step of refusing to receive any more petitions against slavery, or to entertain them "in any way whatever." The essence of the right of petition is the right to have the petition read. If that be denied the right becomes only an empty form. The House of Representatives had now violated that right. What counted quite as much, moreover, in the public mind was the fact that the open denial of a constitutional guarantee was made on behalf of slavery.

An eminent constitutional authority¹ has affirmed that "it would not be extravagant to say that the whole course of the inter-

¹ Burgess, *The Middle Period*, 274.

nal history of the United States from 1836 to 1861 was more largely determined by the struggle in Congress over the abolition petitions and the use of the mails for the distribution of the abolition literature than by anything else." It made abolition a political issue and prepared the way for the formation of an antislavery party. It revealed to the nation the growth of sectionalism, notwithstanding the sweeping progress of Jacksonian democracy; and forced the South to fight for the continuance of equal representation of the sections in the Senate, upon which the maintenance of slavery depended. On the other hand, it doubtless increased in the South the fear of slave insurrection, and led to more rigorous treatment of the negroes; but it was clear that increased severity, once the fact were generally appreciated, would carry its own condemnation.

In contrast to the situation in later years, abolition at first was not a question on which public men hesitated to take sides. Jackson was not, apparently, much concerned about the subject, but he condemned the circulation of abolition literature in slave States, and in his farewell address pointed with gloomy foreboding to the danger of continuing the agitation. Clay and Calhoun were outspoken in opposition — the latter bitterly and aggressively so, the former more because

colonization and compromise appeared to be the better solution. Webster, alone among the great men of the time, avoided the issue whenever possible, especially during the years in which presidential ambitions increasingly influenced him; but at least he could hardly be reckoned a supporter of slavery.

On the other hand, the Abolitionists failed to attract a large following. With some notable exceptions, their leaders and active supporters were radical reformers, zealous for righteousness but without political prominence. Many who sympathized with abolition as an ultimate result, and who were willing to go a long way to bring it about, were repelled by the strenuous methods and extreme utterances of Garrison and his followers. It was the work of the Abolitionists, rather, to sow the seed of moral and political regeneration whose harvest others were to reap, and to inaugurate a movement which others were to systematize and direct. Politically they saved others, but themselves they could not save.

As a party, the Abolitionists never attained national importance. The national convention system which developed after 1830, with its delegates, its platforms, and its official nomination of candidates, was favorable to the formation of new parties; but those who bore the abolition name were

too few to derive much profit from it. In 1839 a Liberty party nominated James G. Birney of New York, a former slaveholder but later an abolition leader, for the presidency; but only 7000 votes were polled in a total of over 2,400,000. The Democratic platform in 1840 denounced abolition as a movement which "ought not to be countenanced by any friend to our political institutions." In 1843 the Liberty party again nominated Birney, and adopted a platform which, in addition to its denunciation of slavery, sought to identify the party with the principles of human brotherhood, "pure Christianity," and "the true spirit of the Constitution of the United States." The Democrats and Whigs, entangled with the question of the annexation of Texas, avoided the slavery issue altogether in their platforms of that year; but although the popular vote for Birney rose to 62,000, that number was not sufficient to secure any electoral votes. Thereafter the Abolitionists as such cast no separately recorded vote in presidential elections.

Radical and outspoken as it was in its methods, involved almost from the first in controversies with the government and the established social order, and unsuited for organized political action, the cause of abolition was nevertheless greatly helped by the general reforming spirit of the time.

In New England the Unitarian movement, breaking with the dominant theology of Congregationalism, made its way rapidly after 1815, and was one of the chief factors in bringing about in Massachusetts, in 1833, the final separation of church and state. A similar divorce had been attained in Connecticut in 1818. In the Middle States and the West the spread of Methodism was attended by great religious revivals, stirring to spiritual fervor whole communities and preparing the way for the later enthronement of moral issues in politics. Between abolition and the churches there was, to be sure, little formal sympathy and much open hostility; but in this as in so many other cases, persecution and neglect ultimately helped the cause.

The decade from 1830 to 1840 saw also the rise or marked development of the temperance or total abstinence movement, an increased interest in public education, and the establishment of institutions for the better treatment of criminals, insane, and defectives. Prison reform made hopeful progress; and although it was estimated in 1833 that not less than 75,000 persons were annually imprisoned in the United States for debt,¹ the case was better than it had been. A beginning was made in the separa-

¹ McMaster, *History of the People of the United States*, VI, 99.

tion of the insane from criminals, with whom they had usually been confined.

Industrial development, too, was everywhere working revolutionary changes, the moral and political significance of which was to appear as years went on. In New England, New York, and Pennsylvania the rise of the factory system drew to the towns the young men and women of the country districts, thereby decreasing the supply of farm labor and, in consequence, the productivity of agriculture; and bringing in its train, by 1840, new problems of housing, sanitation, wages, child labor, and morals. For the first time in America wage-earning occupations on a considerable scale were opened to women. In addition, the building of railroads created a new demand for labor, both skilled and unskilled, not only for construction, but in the numerous trades or occupations which railroad building encouraged, and in the handling of the freight and passenger business which the railroad developed.

The demand for higher wages, shorter hours, the regulation of apprentices, freedom of contract, and the right to combine for the attainment of better conditions, brought to the front the labor movement, which after 1825 made rapid progress. Occasional strikes and riots showed the uneasiness of the masses and a slowly grow-

ing consciousness of power. On the other hand, a rapid increase in the volume of immigration, rising from 10,000 in 1825 to 84,000 in 1840, led to clashing between natives and foreign-born, and contributed largely, after 1840, to drive native labor from the mills; while the fact that many who came were paupers, or what would now be called "assisted immigrants," brought to the cities of the Atlantic seaboard new problems of charity, education, and order.

Economic ideals and social Utopias, also, were being exploited and discussed. Robert Owen's community at New Harmony, Indiana, in 1825; brook Farm at Roxbury (now a part of Boston), Massachusetts, in 1831, together with numerous coöperative enterprises in other States, evidenced dissatisfaction with the wages system and a desire for a new and better industrial order. Time-honored social institutions like private property, and even the institution of marriage, were publicly attacked, as by Owen in his "Declaration of Mental Independence" in 1826, and the lectures of Frances Wright in 1828-29. The number of women operatives in factories gave strength to the demand for "women's rights," especially for freedom to speak in churches or public meetings, first voiced by the Abolitionists about 1840, and for independent control of earnings and property.

Lastly, it should be noted that the abolition movement coincides with the beginning of a period of notable literary development. The years after 1815 witnessed a great multiplication of newspapers and magazines, both secular and religious, some of which, like the *North American Review*, *Zion's Herald*, and the *New York Christian Advocate*, had a circulation rivaling that of the foremost English periodicals. Among American writers James Fenimore Cooper held the first place; Bryant, Longfellow, Poe, and Whittier were gaining an increasing audience; Bancroft and Sparks were laying the foundations for the study of American history; and Story and Kent had taken rank among the foremost legal authors. The first edition of Noah Webster's Dictionary appeared in 1828; while 1833 saw the establishment of the first free public library in America, at Peterboro', New Hampshire, and 1837 Emerson's great Phi Beta Kappa address at Harvard on "The American Scholar." No time more opportune for a crusade against human slavery could possibly have been chosen than this period of intellectual and spiritual awakening.

CHAPTER V

TEXAS AND OREGON

WE have already seen how the Missouri Compromise of 1820, in its attempt at a permanent adjustment of the territorial claims of slavery, allotted to the North the larger part of the Louisiana acquisition, while restricting the South to the region out of which were eventually formed only the Indian Territory and the State of Arkansas. We have now to see how the demand for more slave territory, joined to the inevitable expansion of the United States in the direction of natural boundaries, won compensation in the annexation of Texas.

In 1803 the purchase of Louisiana transferred to the United States the claims of France to territory west of the Mississippi. The western limits of Louisiana, whether as a Spanish or as a French province, had never been defined; and the language of the treaty, which, adopting the language of the secret treaty of San Ildefonso, in 1800, ceded "the colony or province of Louisiana, with the same extent that it now has in the

hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States," was vague and contradictory.

The main point at issue in the later controversy was whether or not Louisiana, either as a French province or under previous Spanish rule, included any part of Texas. In 1819 the Florida treaty with Spain, negotiated on behalf of the United States by John Quincy Adams, fixed the Sabine River, the present eastern boundary of Texas, as the boundary between the United States and the Spanish possessions. There can be little doubt that Adams was in error, and unwittingly surrendered to Spain some territory to which the United States had a valid claim; but he apparently acted in good faith, and it was some years before the question was again carefully examined.

In 1821 the treaty of Cordova secured the independence of Mexico, and three years later a federal form of government was adopted, with Texas and Coahuila united as one of the States. In 1827 a Texan congress drew up a constitution, which was proclaimed, prohibiting the further importation of slaves and providing for the gradual emancipation of slaves already there. In 1828 a treaty between the United States and Mexico confirmed the boundary of 1819.

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The opposition in Texas to the foreign slave trade and slavery unfortunately coincided in time with the change of attitude in the South towards protection and State rights, and with the strong movement of population into the rich cotton lands of Alabama and Mississippi. The cotton belt reaches its greatest width in Texas, and the expansion of cotton culture throughout the whole of the natural cotton area was, of course, inevitable. With the entrance into Texas of Americans, many of whom, in spite of the Texan constitution, took their slaves with them, there arose before long in the South and Southwest a demand for annexation.

In 1827 Clay, the Secretary of State, instructed the American minister to Mexico to offer a million dollars for the territory east of the Rio Grande River; but for various reasons the offer was not made. In 1829 Van Buren, Secretary of State under Jackson, authorized an offer of four or five millions for the portion of Texas east of the Nueces River, but Mexico refused to consider a proposition to sell.

The demand for annexation was not wholly economic, however. Texas was nearly four times the size of New England, and larger than Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Missouri. The acquisition of such an area, and its division

into four or five States, would effectually offset the territorial gain of the North in 1820, and assure the maintenance of the indispensable balance between the sections in the Senate.

Between Texas and the rest of the Mexican Republic, on the other hand, relations were not friendly. The first step towards independence was taken in 1833, when a new Texan constitution was framed; but as the constitution was not recognized by Mexico nor actually put into effect, the movement for the moment came to nothing. In 1835, however, a provisional government was formed, with a provisional constitution, and the long war with Mexico began. On the 2d of March a declaration of independence was issued, and two weeks later a constitution was established which recognized slavery and forbade the Congress of Texas to emancipate slaves, but at the same time prohibited the importation of slaves except from the United States. The boundary between Texas and the United States, as set forth in the constitution, was that of 1819. The president of Mexico, Santa Anna, invaded Texas, butchered to a man the garrison at the Alamo mission, near San Antonio, and committed indescribable barbarities; but in April he was defeated and taken prisoner by a Texan force under Sam Houston, the president of the new republic.

There can be little doubt that the movement for independence, however acceptable to the Texans themselves, was materially aided by Americans resident in Texas. The recognition of slavery, and the permission to import slaves from the United States only, were obviously intended to win American, and especially Southern, support.

In July, 1836, resolutions to recognize the independence of Texas were adopted by both houses of Congress. An angry debate in the House over abolition petitions, ending in the adoption of the "gag" rule, had just closed; and the presidential election was at hand. As neither of the political parties adopted a platform in that year, a formal declaration of policy was avoided. In December Jackson, who had already sent an agent to investigate the situation, urged delay, and suggested that some other government might well be allowed to extend recognition first. At the same time he protested that the conduct of the United States had been beyond reproach. On this last point Jackson knew better. Throughout the summer newspapers had reported volunteers openly proceeding to Texas; Texan recruiting officers had carried on their work in the United States without interference; armed vessels had been fitted out in American waters; and American naval vessels had saluted Texan armed vessels

as ships of war.¹ At the end of June a United States force under General Gaines had advanced into Texas, and in October the Mexican minister at Washington had demanded his passports.

The question of recognition was further complicated by the existence of a considerable volume of claims against Mexico by the United States and its citizens. Robbery and imprisonment of Americans in Mexico, seizure of treasure in transit from the mines to the coast, capture and condemnation of American vessels, and insults offered to the American consul at Matamoras, were among the injuries complained of. In February, 1837, his patience exhausted, Jackson recommended reprisals, and asked for authority to make one more demand for redress "from on board one of our vessels of war." Congress was not ready to go to war, but on February 28 the House voted to pay the expenses of a diplomatic representative in Texas, and the next day the Senate adopted a resolution for the recognition of independence. This informal recognition by the United States was shortly followed by recognition on the part of Great Britain, France, and Belgium. In October, 1838, a treaty between the United States and Texas provided for marking the boundary.

In August, 1837, Texas proposed annexa-

¹ Von Holst, *United States*, II, 571-585.

tion. The proposal was declined by Forsyth, Secretary of State, partly on constitutional grounds and partly because of treaty obligations with Mexico. Save for the presentation in Congress of memorials on both sides of the question, no further action [was taken during Van Buren's term.

The election of 1840 was a sweeping victory for the Whigs, the Whig candidate for President, William Henry Harrison of Ohio, receiving 234 electoral votes against 60 for Van Buren. The sudden death of Harrison, however, exactly one month after his inauguration, brought the Vice-President, John Tyler of Virginia, to the presidential chair. Tyler was in reality a strict construction Democrat, whose claim to be regarded as a Whig rested upon no better ground than that of opposition to Van Buren and to certain elements in his own party. The inevitable breach was not long in appearing.

A law establishing a subtreasury system, under which the federal government was to care for its own funds directly without the agency of banks, had been passed by Democratic votes in 1840. The Whigs, with a majority now in both houses of Congress, repealed the law, and Tyler signed the bill. This was interpreted to mean that Tyler favored the Whig policy of a national bank, and a bill to create a "fiscal bank"

was presently passed. Tyler, who as a member of Congress had been no friend to the Bank of the United States, vetoed the bill on constitutional grounds.

After consultation with the President, another bank bill presumably in accordance with his views was passed, only to encounter another veto. Thereupon the Whig members of Congress, in addresses to the people, repudiated Tyler, and the cabinet, with the exception of Webster, Secretary of State, resigned. Only a small number of Whigs, known as the "corporal's guard," supported the President. Webster, who was busy with negotiations with Lord Ashburton over the long-standing northeastern boundary dispute, remained in office until the conclusion of the Webster-Ashburton Treaty, in 1842; then he tardily resigned, and subsequently reëntered the Senate. Tyler continued his strict construction policy, vetoing two tariff bills, and compelling the abandonment of a scheme for the distribution of surplus revenue before the tariff of 1842 finally received his approval.

Meanwhile the slavery question continued to agitate Congress. In March, 1842, Joshua R. Giddings of Ohio was censured by the House for offering in that body resolutions denying the right of the United States to reënslave negroes captured on the high seas, and reaffirming the doctrine of Lord

Mansfield in the *Somerset* case, in 1770, that slavery, "being an abridgment of the natural rights of man, can exist only by force of positive municipal law." Giddings at once resigned his seat, was triumphantly reëlected, and resumed his seat in May.

The question of Texas, too, was simmering. Tyler was known to be strongly in favor of annexation, the accomplishment of which would shed a much needed luster upon his administration; and apparently only the presence in his cabinet of Webster, who did not resign until May, 1843, stayed his hand. Already, in March, a number of antislavery members of Congress, headed by Adams, had issued an address warning the people of the North that annexation was imminent, and declaring that in their opinion such action would amount to a dissolution of the Union.

No nation can long view with indifference the continuance of a civil war on its borders; and the war between Texas and Mexico, which had gone on since 1837, was becoming both desultory and devastating, and gave no indication of ultimate Mexican success. In his annual message of December, 1843, Tyler reviewed the progress of the war, declared bluntly that "it is time that this war had ceased," and made it clear that the United States would not be deterred from continued recognition of the independence

of Texas by any threats on the part of Mexico. Attention was also called to the fact that the overland trade with Santa Fé, in which considerable American capital was invested, had been interrupted, and that foreigners might shortly be excluded from the Mexican retail trade.

From diplomatic correspondence accompanying the message it appeared that the United States was apprehensive lest Great Britain should open negotiations with Texas for the abolition of slavery there. In a letter to Pakenham, the British minister at Washington, Lord Aberdeen denied such intention, "although," he added, "we shall not desist from those open and honest efforts which we have constantly made for procuring the abolition of slavery throughout the world." In view of the hostile attitude of Great Britain towards the North during the Civil War, the declaration of Lord Aberdeen at this time is interesting.

April 22, 1844, Tyler submitted to the Senate a treaty for the annexation of Texas, concluded ten days previously. In transmitting a copy of the treaty to Edward Everett, the American minister at London, Calhoun, who had lately become Secretary of State, declared that annexation had been rendered necessary "by the condition in which the avowed policy of Great Britain, as proclaimed in Lord Aberdeen's dispatch,

had placed the United States"; and that "this government could not quietly fold its arms, while a policy was avowed and measures adopted so fatal to the safety and prosperity of the Union." The inseparable connection between annexation and slavery needed no more explicit avowal.

The moment was both critical and embarrassing. Tyler, in transmitting the treaty, not only claimed full authority to negotiate it, but also virtually assumed that Texas, having voluntarily accepted the treaty, was to be considered as already a part of the United States. The Senate was inclined to hold that the annexation of an independent state could be achieved only by act of Congress, and not by treaty. On the other hand, the submission of the treaty at this time made annexation, whether accomplished or not, the preëminent issue in the presidential campaign of 1844. That Tyler was not lacking in political shrewdness was shown in May, when, with the treaty still under discussion in secret session, he sent to the Senate a letter from Jackson, in which the "old hero" declared that "the present golden moment to obtain Texas must not be lost, or Texas might from necessity be thrown into the arms of England and be forever lost to the United States."

Jackson's letter was communicated about

four weeks after Clay, in a letter on the same subject, had opposed annexation at the present time "as a measure compromising the national character, involving us certainly in a war with Mexico, probably with other foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion." Clay hoped for the Whig nomination, and his letter pleased the North. Van Buren, coveting the Democratic nomination, nevertheless declared against annexation "at present," but stated that, were he President, he should act in the matter conformably to the opinion of Congress. Benton, in the Senate, opposed annexation if it meant war with Mexico.

At the end of May the Democratic national convention at Baltimore adopted a platform calling for "the reoccupation of Oregon and the reannexation of Texas at the earliest practicable period" as "great American measures." We must now trace the steps by which Oregon came to form, jointly with Texas, an issue in the campaign.

The region known in 1844 as Oregon, or the "Oregon country," comprised the whole area between latitudes 42° and $54^{\circ} 40'$, west of the watershed of the Rocky Mountains. In 1790 the Nootka Sound convention, between Great Britain and Spain,

provided for joint rights of fishing and trade to be exercised by the two powers. The discovery of the mouth of the Columbia River, in 1792, by an American sea-captain, laid the foundation of a territorial claim by the United States; and the claim was further strengthened by the Lewis and Clark expedition of 1803-6, which explored the upper waters of the Missouri and followed the Columbia to the sea. By the Florida Treaty of 1819 Spain gave up its claims to territory on the Pacific coast north of 42° , and in 1825 Russia abandoned its claims south of $54^{\circ} 40'$. These renunciations left the United States and Great Britain the joint claimants and occupants of the Oregon country.

During the War of 1812 the fur-trading post at Astoria, near the mouth of the Columbia, lately established by John Jacob Astor, was taken by the British, but was restored at the end of the war. In 1818 the two powers agreed upon the parallel 49° as the provisional boundary between British and American possessions from the Lake of the Woods to the Rocky Mountains, and to a joint occupancy of Oregon for ten years. In 1827 the agreement for joint occupancy was renewed, subject to termination at any time on twelve months' notice by either party. With the exception of Astoria and some posts of the Hudson's Bay Company,

there were as yet no white settlements in the region.

The advent of Protestant missionaries to the Indians, in 1835, was followed, in 1843, by the arrival of a company of several hundred persons from the central West, led by Dr. Marcus Whitman. The expedition followed an earnest appeal to the American Board of Missions by Dr. Whitman, who made a hazardous winter journey from Oregon to Boston to forestall, if possible, the anticipated closing of the mission. The spectacular nature of the journey, the omission of any reference to Oregon in the Webster-Ashburton Treaty of 1842, the interest aroused by the proposed expedition, and the joining of Oregon and Texas in the Democratic platform of 1844, gave rise some years later to the "Marcus Whitman legend," which ascribed to Whitman's journey the political purpose of prevailing upon Tyler not to relinquish Oregon to Great Britain.

There was never any intention on the part of the administration of surrendering Oregon, the southern portion of which was geographically a part of the United States. There was, however, great ignorance concerning the region, and it was doubtless the wish of Great Britain to leave the question open, so as eventually, perhaps, to make the Columbia River the boundary. By asserting in their platform that "our title

to the whole of the territory of Oregon is clear and unquestionable," and that "no portion of the same ought to be ceded to England or any other power"; and by demanding "the reoccupation of Oregon" in connection with "the reannexation of Texas," the Democrats not only shrewdly used Oregon as an offset to Texas, thereby appealing to the antislavery North, but also skillfully fostered the popular impression that both regions had at some time belonged to the United States, and were now to be recovered.

To the South the scheme was less pleasing. The Oregon of 1844 was not merely the present State of that name, but a vast region more than twice the size of Texas. If the annexation of Texas was to be consummated only at the price of acquiring Oregon at the same time, there was no apparent gain for slavery, nor was the sectional balance in the Senate likely to be preserved.

After having had the treaty of annexation before it for nearly seven weeks, the Senate, on the 8th of June, rejected it by a vote of 16 to 35. Two days later Tyler took the extraordinary step of sending the treaty to the House, with a message in which, without criticising the Senate, he urged the necessity of prompt action, pointed out that a treaty was not the only method by which annexation could be accomplished, and

promised his "active coöperation" in any course that might be agreed upon.

The platforms of the Whig and Liberty parties were silent on the question of annexation. Clay, who was unanimously nominated by the Whigs, attempted in August to define his position more clearly, doubtless with a view to holding the Whig support in the South. What he said in August did not differ materially from what he had said in April, but his approval of annexation if it could be accomplished honorably and without war was bitterly attacked by the Abolitionists, and cost him the votes of Michigan and New York. Van Buren's letter against annexation, a step of some boldness under the circumstances, weakened him as a Democratic candidate for the presidency, and on the ninth ballot the Baltimore convention nominated a "dark horse," James K. Polk of Tennessee. Baltimore and Washington had just been connected by telegraph, and within twenty minutes after the nomination a message had been sent to the Democratic members of Congress and a reply received.

Polk had been an acceptable Speaker of the House of Representatives, and although he was little known to the country at large, his nomination, which had been carefully planned, was satisfactory to the South and aroused no party opposition in the North. Clay's popularity, always great, was now at

its height. The campaign, with its mass meetings, processions, barbecues, and general enthusiasm, recalled the "log cabin and hard cider" campaign of 1840. Thanks to the Abolitionists, the victory went to the Democrats. The electoral vote stood 170 for Polk and 105 for Clay, but in a total popular vote, Democratic and Whig, of 2,636,305, Polk's majority was only 38,180, or less than two-thirds of the number cast for Birney, the Liberty party candidate. It was the Abolitionists who turned the scale in New York and Michigan, and gave the forty-one electoral votes of those States to Polk.

In his annual message in December Tyler rightly interpreted the election as a verdict in favor of annexation. "It is the will of both the people and the States that Texas shall be annexed to the Union promptly and immediately." Mindful of the fate of the treaty the previous June, he now recommended the passage of a joint resolution. Numerous propositions to give effect to the recommendation were at once introduced in Congress, and on the 1st of March, 1845, a joint resolution for annexation received Tyler's approval.

The resolution provided that all questions concerning the boundary of Texas should be left to the determination of the United States; that the constitution of the State

should be submitted to Congress for approval; and that public buildings and military and naval property should be turned over to the United States. Texas was to retain its public funds and unappropriated lands, the proceeds of the latter to be used for the discharge of the State debt. New States, not exceeding four, in addition to Texas, might, with the consent of Texas, be formed out of the annexed territory. In such States as should be formed north of $36^{\circ} 30'$ slavery was to be prohibited; in those formed south of that line slavery should be allowed or not as the people of the State might decide at the time of its admission. The area of the territory acquired was 371,063 square miles.

The terms prescribed by the joint resolution were accepted by the Congress of Texas June 18, and by a convention at Austin July 4. A State constitution was at once drawn up, ratified by popular vote in October, and on December 29 a joint resolution of Congress admitted Texas as a State. The anticipated division of the State, however, never took place, and instead of the five commonwealths, each with two Senators and at least one Representative, upon which the South had counted, there were gained for slavery only two Senators and two Representatives.

In the same message of December, 1844,

Tyler informed Congress that negotiations had been begun for adjusting the claims of Great Britain and the United States to Oregon, and urged military and legal protection of the American settlers already there. In 1826, and again in 1844, Great Britain had offered to accept as a compromise boundary the parallel 49° and the Columbia River, together with the free navigation of the river. That offer was now renewed, with the addition of a small amount of territory north of the river and of some free ports on the Pacific; but the offer was promptly rejected by the United States. In February, 1845, the House passed a bill to organize a territorial government in Oregon, with $54^{\circ} 40'$, the line of the former Russian claim, as the northern boundary. Where Great Britain had been content to ask for two-thirds of the "Oregon country," the United States now claimed the whole. Such a claim was not likely to smooth the course of diplomatic negotiations, however much it might appeal to those in the North who wanted an offset to Texas. The bill also prohibited slavery in Oregon, however, and on that account the Senate refused to consider it.

Two days after the resolution for the annexation of Texas received the signature of the President, Florida became a State. With the admission of Texas before the end of the

year, the sectional balance was temporarily disturbed, fifteen of the twenty-eight States then in the Union being slave commonwealths. The Territory of Iowa, however, was about ready for admission, and Oregon would restore the balance. Save in the Senate, the South was hopelessly outnumbered and outvoted. Against a free State population, in 1840, of 9,700,000 was to be set a slave State population (counting three-fifths of the slaves in addition to the whites) of only 7,300,000. In terms of membership and votes in the House of Representatives, these figures meant that 98 slave State members in 1844 were opposed by 135 free State members.

There is need to remember, however, that both in Congress and in the country sectionalism was as yet rather more obvious in statistics than it was in party politics. The Democratic and Whig parties were still national parties, drawing their support from all sections, though in different measure, and not yet sharply divided by a single overshadowing issue. There were slavery Whigs and antislavery Whigs, slavery Democrats and antislavery Democrats. Save for denunciation of the Abolitionists as visionaries and fanatics, it was the aim of the Democrats to keep the slavery question, as far as possible, out of politics, and thereby obviate the necessity of taking a

party stand in regard to it. The Whigs, with a large antislavery, but not abolition, following in the North and a strong proslavery following in the South, could hardly speak on the subject at all.

To the influence of party in safeguarding the interests of slavery were to be added differences of opinion among antislavery advocates as to how slavery should be opposed. The demand of Garrison and his followers for entire abolition received diminishing support after 1840. In its place the application of the principle of the Missouri Compromise, the suppression of the foreign slave trade, and freedom for the Territories and new acquisitions seemed to promise more substantial results. With the knowledge that Texas would not consent to be subdivided, came declining resentment over its annexation. On no bill or motion adverse to slavery could the entire vote of the free States in both houses of Congress be at any time massed. Until it could be, or until changing issues should bring a new grouping of parties, the slaveholding South, with a preëminent cause, a definite policy, and social as well as political solidarity, might be counted upon to hold its own, and in holding its own to dominate the nation.

CHAPTER VI

THE WAR WITH MEXICO

THE cabinet of President Polk comprised a number of distinguished names. The Secretary of State, James Buchanan, had been long in public life, and managed with dignity and success the diplomatic business of his department; although his lack of sympathy with the Mexican policy of the administration, together with his own presidential aspirations, weakened his influence as time went on. Robert J. Walker of Mississippi, the Secretary of the Treasury, was an able financier, with sound and definite views on the tariff and on the treatment of the government funds. The Secretary of War, William L. Marcy, long a member of the "Albany regency" and twice governor of New York, possessed real administrative ability and unflagging industry, notwithstanding his identification with the spoils system. The Secretary of the Navy until September, 1846, was George Bancroft, already famous at home and abroad as an historian. Nathan Clifford of Maine, who

entered the cabinet as attorney-general in October, 1846, was an able lawyer and later an associate justice of the Supreme Court.

Polk himself was a masterful politician. His previous career had not been notable, but as President he dominated his cabinet and his party. His recently published diary reveals a reasonably clear and consistent policy, especially in regard to Mexico, from the beginning. During the first two years of his term Congress was Democratic in both branches, but for the last two years the Whigs controlled the House.

In the discussions over the annexation of Texas, Clay and Van Buren in their campaign letters, and Benton in a great speech in the Senate, had taken ground against annexation if it meant war with Mexico. That war must shortly follow was now the general and natural expectation. In his inaugural address Polk expressed confidence that the terms offered by the United States would be accepted by Texas, but made no direct reference to Mexico. On the 6th of March, 1845, however, the Mexican minister entered a formal protest against the joint resolution of annexation, and demanded his passports. Before the end of the month the American minister to Mexico was informed that diplomatic relations between the two countries had terminated, and

after a delay of several months he returned to the United States. Not until June, however, did the Mexican congress make active preparations for war.

The formal annexation of Texas was expected to take place on the 4th of July. In anticipation of that event, and to defend Texas against Mexico, General Zachary Taylor, commanding the American forces in the Southwest, was ordered in June to enter Texas, with the consent of that government, and to advance to some suitable point "on or near the Rio Grande"; but he was not to take the offensive unless Mexico declared war. Taylor entered Texas in July, and in August established his headquarters near Corpus Christi, on the west bank of the Nueces River and about one hundred and fifty miles east of the Rio Grande. Here he remained unmolested until January, 1846.

With Taylor's army encamped on the Nueces, Polk made an attempt to renew diplomatic relations with Mexico. In September John Slidell of Louisiana was appointed special envoy. His instructions directed him to press for the settlement of the long-standing American claims; but since it was believed that Mexico was unable to pay even if disposed to do so, he was to obtain if possible a cession of territory, to include New Mexico and part of

California, together with the recognition of the Rio Grande as the boundary between Mexico and Texas. For the territory so acquired Polk was willing to pay a substantial sum, in addition to assuming the pending claims. A fear, how well grounded is not fully known, that Great Britain was likely to seize California, joined to a desire to uphold the Monroe doctrine, were the reasons which appear to have weighed most heavily with Polk at this time.

Slidell reached Vera Cruz at the end of November. In January, after aggravating delay, the Mexican government refused to receive him, and he presently returned to the United States. The ostensible reasons for refusal were that a resumption of friendly relations could not properly be considered so long as American troops were encamped on the Mexican border; that Mexico had never concurred in the annexation of Texas; and that the territorial proposals of the United States went far beyond the question of the Texan boundary. It seems clear that the weakness of the Mexican government, and popular excitement over the suggested loss of territory, were reasons at least equally important.

The probability, if not the certainty, that Slidell would be rejected was known in Washington early in January, 1846. On the 13th Taylor was ordered to advance to the Rio

Grande. Polk was doubtless sincere in believing that the Rio Grande was legally the western boundary of Texas, although from the Mexican point of view "Taylor invaded Mexico the moment he entered Texas."¹ On the 12th of April Taylor was warned by the Mexican commander at Matamoras to retire within twenty-four hours beyond the Nueces — an order which certainly implied some uncertainty on the part of Mexico regarding the ownership of the region between the two rivers.

On the 24th of April General Arista informed Taylor that "he considered hostilities commenced and should prosecute them." On the same day a party of American dragoons, numbering sixty-three officers and men, sent to discover whether the Mexicans had crossed or were preparing to cross the Rio Grande, was ambushed on the east bank of the river, some sixteen were killed or wounded, and the remainder captured. The official report of the affair reached Washington on Saturday, May 11. Polk had already decided to recommend to Congress a declaration of war, and in this decision the cabinet, with the exception of Bancroft, sustained him. The collision on the Rio Grande was the incident needed to make the recommendation conclusive. President and cabinet devoted Sunday to the

¹ Garrison, *Westward Extension*, 264.

preparation of the message, and on Monday it was sent in.

To the Whigs the exalted integrity of purpose which the message claimed for the United States was peculiarly irritating. "We have tried every effort at conciliation.

. . . But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil . . . As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country." Such assumption of national virtue is best explained, perhaps, by Polk's sincere belief in the righteousness of his course — a belief which the Whigs, at least, declined to share.

On the 13th of May an act was passed recognizing the existence of a state of war, authorizing the employment of 50,000 volunteers, and appropriating \$10,000,000 for war purposes. The vote on the bill in the House, 174 to 14, was a fair indication of public opinion; for the war, in spite of Whig opposition, was undoubtedly popular, save in New England. In the Senate the vote stood 40 to 2. Taylor had already been authorized to accept the services of

volunteers from Texas and the Southwestern States, and had called on the governor of Texas for two regiments of infantry and two of cavalry, and on the governor of Louisiana, Taylor's own State, for four regiments of infantry.

Recent excitement over Oregon had already stimulated the war fever. In his inaugural address Polk had taken a firm stand in favor of the "clear and unquestionable" claims of the United States. In July, 1845, Buchanan renewed the offer to compromise on the line of 49° , but without the surrender to Great Britain of the free navigation of the Columbia; but the offer was rejected by Pakenham, the British minister, and was presently withdrawn. The popular cries of "the whole of Oregon or none" and "fifty-four forty or fight" undoubtedly strengthened Polk's decision to demand the entire region up to $54^{\circ} 40'$, even at the cost of war with Great Britain; nor was he deterred by the approaching climax of the Mexican controversy. In December he recommended that notice be given to terminate the joint occupation of Oregon, as provided by the convention of 1827, and urged military protection for the Oregon trail. Congress and the country were in accord with the President, but it was not until May 21, 1846, that the notice was given.

Fortunately for the peaceful relations of the two English-speaking nations, the end of the Oregon controversy was near. On the 6th of June Pakenham presented the draft of a treaty embodying the previous suggestions of the line of 49° and the free navigation of the Columbia River. Polk laid the treaty before the Senate without recommendation, in order that the responsibility for surrendering territory hitherto claimed might be borne by that body rather than by him. The Senate, by a vote of 37 to 12, advised acceptance, and on June 15 the treaty was signed. The area of the acquisition was 288,689 square miles.

Financial readjustment also helped to clear the way for a successful prosecution of the war with Mexico. The protective duties imposed by the tariff of 1842 were not in harmony with Democratic principles, and were sustained only by the need of revenue after the panic of 1837. By 1844, however, prosperity had returned, and protection could again be made an issue. The platform declarations of 1844, indeed, were far from explicit. The Democrats declared that the government ought not to "foster one branch of industry to the detriment of another," and that "no more revenue ought to be raised than is required to defray the necessary expenses of the government." The Whigs framed a delphic demand for

“a tariff for revenue to defray the necessary expenses of the government, and discriminating with special reference to the protection of the domestic labor of the country.” Polk, who during the campaign declared in favor of “moderate discriminating duties” for revenue with “reasonable incidental protection,” repeated the vague declaration in his inaugural.

In his annual message in December, 1845, however, Polk argued at length in favor of a tariff for revenue only, and urged the substitution of *ad valorem* for specific duties. The Walker Tariff of 1846, reducing duties to a revenue basis, was passed by Congress substantially as recommended by the Secretary of the Treasury, save for the rejection of proposed duties on tea and coffee. Among the noteworthy features of the act were the grouping of dutiable articles in classes, or schedules, indicated by letters, and the establishment of bonded warehouses for the storage or rehandling of imported goods. The Southern and Western States, as was to be expected, furnished the majority in favor of the bill.

In August, 1846, the subtreasury system was reëstablished. Since the repeal, in 1841, of the subtreasury act of the previous year, the government funds had been deposited in State banks. Polk condemned the use of banks for this purpose in his

first annual message, and the act of 1846, passed by a narrow majority in the Senate but by a large majority in the House, was practically identical with the act of 1840. The mints at Philadelphia and New Orleans, and suitable places at Boston, New York, Charleston, and St. Louis, were designated as places at which all federal officers receiving public money should make deposits. The divorce from banks was complete, and the subtreasury, or independent treasury, system is still in force. Advantage was taken of the passage of the act to include a provision requiring all payments to the United States to be made in gold or silver coin or in treasury notes.

The general plan of military operations, framed apparently by Polk, comprised the occupation of New Mexico and California, those designations then including the present Arizona, Utah, Nevada, and the western part of Colorado; and of the Mexican State of Chihuahua. An attack upon the City of Mexico was to be made, not for the purpose of acquiring territory in central Mexico, but to prevent the recovery of the northern provinces and compel their cession to the United States.

Immediately upon the declaration of war General Winfield S. Scott, the commanding general of the army, was assigned to the command of the forces against Mexico.

Scott had a creditable military record, but he was a Whig in politics and out of sympathy with Polk, who on his part distrusted him. He was presently called to account for delay in proceeding to Mexico, and wrote a letter to the Secretary of War in which he made offensive allusions to the President. He was accordingly relieved from command of the expedition and kept at Washington, and the command of the army in Mexico intrusted to General Taylor, who was also a Whig.

The chief difficulty in conquering New Mexico and California lay in the long and arduous transportation of troops and supplies across what was then the "great American desert," stretching more than five hundred miles from the Missouri River to the Rocky Mountains. In July, 1846, General Stephen W. Kearny assembled at Bent's Fort, where the Santa Fé trail crossed the Arkansas River, a force of 1800 men, most of them undisciplined volunteers. On the 18th of August he occupied Santa Fé. Here he set up a temporary government, and in September, with a small body of dragoons, set out for California, arriving at San Diego in December.

California had already been conquered by an American fleet, the commander of which, Commodore John D. Sloat, had in June, 1845, before Texas had formally

accepted annexation, been directed to occupy San Francisco as soon as he learned that Mexico had declared war. Sloat was dilatory, but on July 7, seven weeks after he was informed of the first fighting on the Rio Grande, he seized Monterey, and on the 9th Captain Montgomery took San Francisco. On the 13th of August Commodore R. F. Stockton, who had succeeded Sloat, took Los Angeles. The remaining Mexican posts in California fell easily into American hands. A revolt in Los Angeles drove the Americans out of the city, but it was retaken after a succession of small engagements, and by the beginning of 1847 Mexican resistance was at an end.

In the North, meantime, a movement of a different sort had established the Bear Flag Republic. Captain John C. Frémont, an officer of engineers and a son-in-law of Senator Benton, had already, in two recent expeditions, explored the country between the Missouri and the Rocky Mountains, and entered Oregon and California. In March, 1846, while encamped near Monterey on a third expedition, he had refused to obey an order from the Mexican authorities to leave the country, and had raised the American flag; subsequently, however, he had withdrawn to the Oregon border, whence in June he returned to the Sacramento valley.

Following a report that a Spanish force was on the way to attack them, a body of American immigrants north of San Francisco Bay seized the fort at Sonoma, and on June 14 proclaimed their independence by raising an improvised Bear Flag. Although Frémont was not directly responsible for the movement, he was quick to take advantage of it, and on June 25 occupied Sonoma, and shortly afterwards, on hearing of the capture of Monterey, raised the American flag. He then joined Stockton, assisted in the conquest of southern California, and in August was appointed territorial governor. A conflict of authority between Stockton and Kearny ensued, in which Frémont sided with Stockton. For his conduct he was court-martialed and sentenced to dismissal from the army. The sentence was remitted by Polk, but Frémont resigned.

The invasion of northern Mexico was accomplished by a detachment of 850 men from Kearny's force at Santa Fé, under command of Colonel A. W. Doniphan. The expedition started in December, entered Mexico by way of El Paso, and on March 1, 1847, occupied Chihuahua. Another expedition from San Antonio, Texas, under General J. E. Wool, had entered Mexico in October, but failed to reach Chihuahua and had turned south to Monclova. Kearny

remained at Chihuahua until the end of April, and then joined Taylor at Saltillo.

Taylor, meantime, had advanced into Mexico. On May 8 he defeated the Mexicans at Palo Alto, and again on the next day at Resaca de la Palma, driving them across the Rio Grande. In September he fought a successful three days' battle at Monterey, occupied Saltillo November 16, and Victoria December 29. On February 23, 1847, he was attacked at Buena Vista, near Saltillo, by a Mexican army of more than twenty thousand men under Santa Anna. Although outnumbered three to one, the Americans inflicted upon Santa Anna an overwhelming defeat, and forced him to give his attention thereafter to the defense of the City of Mexico.

The position of Santa Anna was an interesting illustration of the politics that underlay the war. In consequence of a revolution in December, 1844, Santa Anna had been expelled from Mexico and had taken refuge at Havana. He had a strong following in Mexico, and since his rival and successor, Paredes, was pledged to the reconquest of Texas and to war with the United States, Polk had decided not to obstruct Santa Anna's return. Orders to this effect were accordingly issued, in May, 1846, to the commander of the American blockading fleet in the Gulf. In August another revolu-

tion resulted in the overthrow and expulsion of Paredes, and shortly afterwards Santa Anna returned. The discovery, through intercepted dispatches, of the plan to concentrate the advance upon Mexico proper led him to attack Taylor at Buena Vista, but the overwhelming defeat of the Mexicans destroyed the last hope of recovering New Mexico and California.

Polk had long been dissatisfied with Taylor, from whom he complained that he received neither advice nor information. The command of the army in Mexico was accordingly given to Scott. Scott reached Matamoras in December, 1846. On the 9th of March he effected a landing near Vera Cruz, the "Gibraltar of Mexico," and on the 29th, with the aid of a naval force under Commodore David Conner, took the city. Two of the world's great commanders, Ulysses S. Grant and Robert E. Lee, distinguished themselves on this occasion, the former as lieutenant and the latter as captain.

The advance upon the City of Mexico began April 8. In all respects save numbers and situation the Americans had the superiority, but the difficult mountainous country, admirably suited for defense, together with the stubborn resistance of the Mexicans, made the task of conquest arduous in the extreme. At Cerro Gordo, on April 17 and

18, a superior Mexican force was driven from a natural fortress only by hard fighting. In August the Americans were in sight of the Mexican capital, strongly fortified, and accessible only by a road built across a marsh and commanded by cannon.

Scott, unable to attack in front, began the construction of a circuitous road over the lava beds. On August 19 and 20 he beat back the enemy at Contreras and the convent of Churubusco. An armistice, proposed by Scott, was accepted by Santa Anna August 24, and N. P. Trist, formerly chief clerk of the State Department, who had accompanied the army as special envoy, opened negotiations for peace. The negotiations came to nothing save to give Santa Anna time to strengthen his position, and the armistice was terminated. On September 8 Scott captured the cannon foundry at Molino del Rey, and five days later stormed the fortress of Chapultepec, commanding the city. On the 14th the Americans entered the city and hoisted the American flag on the capitol building.

The circumstances attending the conclusion of peace fairly matched those under which the war had been begun and carried on. Trist had been given full powers to conclude a definitive treaty of peace, on the basis of the Rio Grande, from its mouth to the southern boundary of New Mexico,

as the boundary between the two countries, the cession of New Mexico and California, and, if possible, the right of way across the isthmus of Tehuantepec. The proposals of Mexico during the armistice were entirely of an opposite tenor, but Trist, notwithstanding the positive nature of his instructions, hesitated, and finally referred the proposals to Washington.

For his vacillating course Trist was promptly recalled. The letter of recall did not reach him, however, until November 16, by which time the City of Mexico had fallen, Santa Anna had abdicated, and a new government had been installed. When, therefore, on November 22, the new government appointed commissioners to negotiate on the basis of Trist's original instructions, he took advantage of the fact that the Mexican authorities had not yet received official notification of his recall, and assumed to act as though he were still duly accredited.

On February 2, 1848, Trist concluded with Mexico the treaty of Guadalupe Hidalgo. The boundary between the two countries was fixed in the Rio Grande, from its mouth to the southern boundary of New Mexico, thence along the southern and western boundary of New Mexico to the Gila River, down the Gila to the Colorado River, down the Colorado to the boundary between Upper and Lower California, and thence

west to the Pacific. In consideration of the territory thus ceded, the United States agreed to pay Mexico \$15,000,000, and to assume the long-standing American claims to an amount not exceeding \$3,250,000. Polk had been willing to pay much more than the treaty called for, at the same time that he had steadily resisted pressure to demand more territory than was actually acquired.

The brilliant success with which Polk was "conquering a peace" had not blinded the eyes of antislavery members of Congress to the issue involved in the acquisition of territory from Mexico. On the 8th of August, 1846, Polk, after consultation with his cabinet and several members of Congress, had sent in a special message asking for an appropriation of money to aid in settling the difficulties with Mexico. What he desired was a sum sufficient to make a first payment for territory which he wished to acquire, and which it was believed that the Paredes government, in need of money, would be willing to sell.

A bill appropriating two million dollars was at once introduced in the House. Thereupon a Democratic member from Pennsylvania, David Wilmot, offered an amendment which read: "*Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic*

of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted." The amendment, drafted by Jacob Brinkerhoff, a representative from Ohio, but known as the "Wilmot Proviso," voiced the opposition of Northern Whigs and Democrats to slavery in the new acquisitions.

The bill with the amendment passed the House, but failed in the Senate. Polk repeated his request in December, and a two-million bill, with a revised form of the Wilmot Proviso, passed the House. The Senate substituted three millions for two and struck out the proviso; and in this form the House finally accepted it. "The debate in the two houses was able but ominous. It showed clearly in all their mischievous effectiveness the influences that were making for sectionalization and threatening to dissolve the Union. The subterranean currents of political activity became manifest, and gave evidence of the intense factional and sectional animosity engendered by the shelving of Van Buren, the annexation of Texas, the Oregon compromise, the Walker tariff, and the reëstablishment of the

independent treasury — to which was now added the fierce hostility between North and South aroused by the agitation of the slavery question.”¹

Polk was little disposed to reject so advantageous a treaty as Trist had negotiated, and on February 22, 1848, laid it before the Senate with the recommendation that it be ratified, save for the tenth article relating to public lands in Texas. The Senate, March 10, ratified the treaty with the changes suggested, and in this form it was accepted by Mexico and the final ratifications exchanged in May.

Polk had declared before his election that he would not be a candidate for a second term; and although the Democrats could not but approve his administration, the pronounced antislavery opposition left him no choice save to reiterate his original declaration. With a split in New York, where the factions known as “Hunkers” and “Barnburners” held rival conventions and chose rival delegations, the Democratic convention at Baltimore nominated Lewis Cass of Michigan. The platform praised the war, but a plank affirming the doctrine of non-interference with property rights (in slaves, that is) in the States and Territories was rejected. The Whigs nominated General Taylor, who, after the appointment

¹ Garrison, *Westward Extension*, 263.

of Scott to the command of the forces destined for the City of Mexico campaign, had resigned from the army and returned to the United States. No platform was deemed necessary. A "Barnburner" convention nominated Van Buren on a platform which declared for "free soil, free speech, free labor, and free men."

The split in New York, joined to the separate free soil candidacy of Van Buren, cost the Democrats the election. Taylor received 163 electoral votes, Cass 127. Polk could say with truth, in concluding his last annual message to Congress, that his administration had "fallen upon eventful times." Within the next two years the momentous consequences of his work were to be made fully apparent.

CHAPTER VII

THE COMPROMISE OF 1850

THE renewed struggle between the North and the South over the territorial status of slavery, foreshadowed by the prospect of a successful war with Mexico, centered at first about Oregon. The rapidly growing population of the region required the organization of a territorial government as soon as possible after the adjustment of the boundary controversy with Great Britain; and it was certain that the status of slavery in the Territory would determine its status in the State. If the principle of the Missouri Compromise, with the consequent admission of States in pairs, were to be observed, Oregon would be free, and the South would be entitled to a slave State, presumably formed from Texas or from territory acquired from Mexico, as an equitable offset. On the other hand, if that principle were to be disregarded, another obviously fairer to both parties must be found, and the perpetual prohibition of slavery north of $36^{\circ} 30'$ repealed. The growth and application of the new doctrine have now to be traced.

Immediately upon the conclusion of the boundary treaty Polk urged upon Congress the formation of a territorial government for Oregon. A bill for that purpose, extending to the people of the Territory the privileges and restrictions of the Ordinance of 1787, passed the House January 16, 1847. The Ordinance, which forever prohibited slavery in the territory of the United States northwest of the Ohio River, was part of the fundamental law of the four States — Ohio, Indiana, Illinois, and Michigan — formed from the old Northwest Territory, as well as of the Territory of Wisconsin; and the antislavery provision had also been applied to the Territories of Minnesota and Iowa.

So far as Oregon was concerned, it made no difference whether slavery were excluded by the Ordinance of 1787 or by the Wilmot Proviso. The explicit application of the ordinance, however, appealed to many who were willing to restrict slavery in the North but unwilling to exclude it from the whole of New Mexico and California. The Senate twice referred the bill to a committee, but finally laid it on the table.

On January 10, 1848, a bill to organize the Territory of Oregon was reported in the Senate by Stephen A. Douglas, a Democratic Senator from Illinois. In May Polk again called attention to the need of a territorial

government. To an amendment extending to the new Territory the prohibition of the Ordinance of 1787 was now opposed an amendment, framed by Polk himself, extending the Missouri Compromise line to the Pacific. Meantime peace had been made with Mexico, an area more than twice the size of Oregon had been added to the United States, and the Free Soil campaign was under way. The question of slavery in Oregon was now merged in that of slavery in New Mexico and California.

The Senate referred the matter to a select committee, of which Clayton of Delaware was chairman, which reported on July 18 a bill to organize the three Territories of Oregon, California, and New Mexico. Antislavery laws already passed by a provisional government in Oregon were to be validated, subject to the later action of the territorial legislature; but the right of the legislatures of New Mexico and California to legislate regarding slavery was withheld. Controversies over the status of slavery in either Territory might be appealed to the Supreme Court of the United States. The latter provision enacted, in the expressive language of Senator "Tom" Corwin of Ohio, "not a law, but a lawsuit."

On the morning of July 27, after an all-night session, the Clayton compromise passed the Senate. The House, by a vote

of 112 to 97, laid it on the table, and on the 2d of August passed a bill for the organization of Oregon alone, with the antislavery provision of the Ordinance of 1787. An amendment in the Senate, extending the Missouri Compromise line to the Pacific, was rejected by the House; the Senate, mindful of the recent nomination of Van Buren on a platform calling for "free soil, free speech, free labor, and free men," receded, and accepted the bill as framed by the House. Polk signed the bill, explaining with unction that he did so because he found nothing in it "inconsistent with the laws of the Missouri Compromise, if extended from the Rio Grande to the Pacific Ocean."

Before Congress met in December, 1848, the country was going wild over the discovery of gold in California. Only a few days before the signature of the Treaty of Guadalupe Hidalgo, a workman named Marshall, employed in building a mill some fifty miles from Sutter's Fort, in the Sacramento valley, found in the gravel yellow particles which proved to be gold. Before long the secret was known, and a mad rush for the gold fields began. Immigrants poured in from Oregon and all parts of California; ordinary business was abandoned; newspapers suspended publication for lack of editors and compositors; soldiers and sailors deserted. Commodore Jones wrote

in October to the Secretary of the Navy: "The commerce of this coast is wholly cut off. No sooner does a ship arrive at a port of California than captain, mate, cook, and hands all desert her." Fabulous reports were spread of the wealth to be had even in a single day.

From the East, where the news was received in November, came an outpouring of "Argonauts" and "Forty-niners" unparalleled in modern times. "By the end of March 270 ships with 18,341 emigrants had left New York alone. In February, 1848, there were but 2000 Americans in all California; in December there were 6000."¹ Some went by way of the Isthmus of Panama; others made the long voyage around Cape Horn; thousands more essayed the difficult and dangerous journey across the plains. Even Europe, already torn by the revolutions of 1848, felt the spell of gold, and the volume of immigration rose from 226,527 in 1848 to 369,986 in 1850.

Pending the extension of the laws of the United States over California, there was for a brief time demoralization and disorder. The rush of gold-seekers to the "diggings" and to San Francisco swept along with it thieves, gamblers, criminals, and desperadoes of every sort. Moral restraints were removed, vice and crime multiplied, and the

¹ J. B. McMaster in *Cambridge Modern History*, VII, 401.

fever of speculation, joined to the mad scramble for wealth, brought social delirium. Only for a few months, however, did lawlessness reign; then the better element asserted itself, desperadoes were hung, shot, or driven out of the country, and order once more prevailed. The effective work of the "Vigilants" has not to this day ceased to be a vivid memory.

It was observed that, of the thousands who flocked to California in search of wealth, few came from the slave States. For the Southern planter the toilsome journey and rough life had few attractions. In spite of the loud asseverations, made in increasing volume on the floors of the House and Senate, about the inherent goodness of slavery, the institution showed itself peculiarly sensitive to environment and averse to transplantation. Property in slaves was too precarious to risk a struggle with free labor; and in a community which, like California, was peopled almost exclusively with men who worked with their hands and owned no master save themselves, negro slavery found no place.

The people themselves were not long in declaring their attitude towards slavery. In March, 1849, following the recommendation of Polk, Congress extended to California the revenue laws of the United States and established a collection district there. In

September the provisional governor, General Riley, called a constitutional convention at Monterey, which in October adopted a constitution prohibiting slavery. In November, by a vote of 12,061 to 811, the constitution was ratified, and the necessary steps were at once taken to secure the admission of the State. Not only was there definitive and irrevocable opposition to slavery among the Californians, but the preliminary discipline of a territorial organization was also rejected. Some even went so far as to intimate that California must be held as a State if it was to be held at all.

Congress had already attempted to forestall the free State movement, but the Northern Democrats, believing that the action of the Southern Democrats had sacrificed the party in the presidential election, were now ready to join with the anti-slavery Whigs in opposing slavery in the Territories. In the short session of 1848-49 the combined free soil vote passed bills in the House to organize the Territories of New Mexico and California, with the Wilmot Proviso. When the Senate refused consideration, the House by resolution condemned the slave trade in the District of Columbia. Shortly before the close of the session, the Senate added a New Mexico and California bill, with slavery, as a "rider" to one of the general appropriation bills.

The House substituted an amendment continuing in force in the region, until July 4, 1850, the Mexican laws, which prohibited slavery. The Senate rejected the substitute, but dropped its own "rider" also.

In the Democratic convention of 1848 William L. Yancey of Alabama had offered, as an additional plank in the platform, a resolution declaring "that the doctrine of non-interference with the rights of property of any portion of the people of this confederacy, be it in the States or Territories thereof, by any other than the parties interested in them, is the true republican doctrine recognized by this body." By the overwhelming vote of 36 to 216 the resolution was rejected, but it was observed that all the affirmative votes came from the slave States. The resolution embodied, in cumbrous phraseology, the new doctrine of "popular sovereignty," by means of which it was hoped that slavery might be extended to some of the new Territories.

The enunciation of the doctrine of popular sovereignty ushered in a new phase of the long-standing slavery controversy. The Missouri Compromise restricted the formation of new slave States to the region south of $36^{\circ} 30'$, except Missouri. The Wilmot Proviso, by attempting to exclude slavery from the region acquired from Mexico, virtually affirmed that the public domain was

normally free; and the Free Soil party, drawing its supporters from both Democrats and Whigs, took its stand on that principle. Popular sovereignty, on the other hand, rejected the idea that freedom, rather than slavery, was the normal status of the public domain, denied the right of Congress to exclude slavery from a Territory, and claimed for the people of each State the right to decide for themselves, when admitted to the Union, what their social institutions should be. The defect in the argument, from the Free Soil point of view, was that people were not likely to have the one institution as a Territory and the other as a State; so that the establishment of slavery in a Territory, the social institutions of which were subject to regulation by Congress, would almost certainly result in the continuance of the same institutions by the State, over whose policy in such matters Congress could apparently have no control whatever.

The first session of the Thirty-first Congress convened December 3, 1849. The Senate had a strong Democratic majority. In the House nine Free Soilers held the balance of power between 110 Democrats and 105 Whigs. The House plunged at once into a speakership contest. The principal candidates were Robert C. Winthrop of Massachusetts, a Whig, who had been

Speaker in the preceding Congress, and Howell Cobb of Georgia, a Democrat. Neither could command the support of the Free Soilers. After 62 ballots, when each of the two candidates had 97 votes, it was agreed to elect by a plurality; and on the next ballot Cobb was chosen. On January 11 the House, embittered by the struggle, completed its choice of officers and was ready for business.

On the 21st of January President Taylor informed the House, and two days later the Senate, of the reported movement for statehood in California, and of the likelihood that similar action would shortly be taken in New Mexico. He urged that, for the avoidance of sectional strife, Congress should accept the decision of the people of California and admit the State with the constitution proposed. With regard to New Mexico, however, he suggested that the organization of a territorial government might properly be delayed until the claim of Texas to a considerable part of the region had been adjusted.

The Senate already had before it a bill to organize the Territories of California, Deseret or Utah, and New Mexico. On January 29 Clay submitted a series of resolutions intended to pave the way for compromise. He proposed that California, "with suitable boundaries," be admitted as a

State without any restriction regarding slavery; that as slavery "does not exist by law, and is not likely to be introduced into any of the territory" acquired from Mexico, a territorial government, without restriction for or against slavery, ought to be formed in so much of the region as was not included in California; that the boundary of Texas be fixed so as not to include any part of New Mexico, Texas, meantime, being given a money equivalent for the territory relinquished; that the slave trade, but not slavery, be prohibited in the District of Columbia; and that a more stringent fugitive slave law be enacted.

Debate on the resolutions began February 5 and continued for ten weeks. On the 13th of February the constitution of California was laid before Congress. April 18 the resolutions were referred to a select committee, of which Clay was chairman, which reported with the drafts of proposed bills on May 8. The committee recommended the admission of California; the organization of territorial governments for New Mexico and Utah, without the Wilmot Proviso; and the exclusion of Texas from any part of New Mexico, with a pecuniary equivalent. All of these measures were to be incorporated in one bill. The committee further reported a bill to prohibit the slave trade in the District of Columbia, and ap-

proved the enactment of a new fugitive slave law.

Then began a great parliamentary battle over the "Omnibus Bill," as the first measure reported by the committee was called. On June 17 an amendment applying to Utah the principle of "popular sovereignty" was agreed to. The sudden death of President Taylor on the 9th of July devolved the executive office upon the Vice-President, Millard Fillmore, who was under the influence of Clay, and hence more inclined than Taylor to favor the compromise. On the last day of July the sections of the bill relating to California, New Mexico, and Texas were stricken out, and the next day what was left of the "Omnibus Bill," now reduced to a bill to organize a territorial government for Utah, passed the Senate.

The threatening attitude of Texas, which was making preparations to assert by force its claim to a part of New Mexico, hastened the conclusion of the compromise. Fillmore, while declaring that peace and the authority of the United States must be maintained, pointed out that the executive had no authority to settle a question of boundary. On the 10th of August the Senate passed a bill to adjust the Texas boundary, following it five days later by a bill organizing the Territory of New Mexico. The House insisted upon joining the two bills in one, and in this

the Senate concurred. The Utah bill became law September 9, and on the same day a bill to admit California was approved by the President. The passage of laws for the recovery of fugitive slaves, and to prohibit the slave trade in the District of Columbia, completed the series of measures which, collectively, make up the Compromise of 1850.

The essence of the compromise, so far as slavery was concerned, is to be found in the following provision, inserted in each of the two territorial acts: "when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission." Taken in connection with the admission of California as a free State, it is clear that the South yielded its demand for the positive establishment of slavery in a part of the Mexican acquisition, and consented to its prohibition in California; while the North yielded its demand for the universal application of the Wilmot Proviso. As for the Missouri Compromise, that agreement remained untouched. For the rest, the new fugitive slave law was set over against the abolition of slavery in the national capital and the payment of \$10,000,000 to Texas in compensation for the loss of a part of New Mexico.

The admission of California destroyed the sectional balance in the Senate, which had so long been an anxious care. Iowa had been admitted in 1846, Wisconsin in 1848; and of the thirty-one States now in the Union, sixteen were free. With Oregon destined for freedom, the balance could be restored only by insuring the establishment of slavery in both New Mexico and Utah. The population of the former was chiefly Mexican and Indian, and most of the area of the latter was believed to be a desert. Under such circumstances, the outlook for the "peculiar institution" was not promising.

The great speeches on the compromise were made in March, while Clay's resolutions were under debate in the Senate. On the 4th Calhoun, dying of consumption and too weak to speak, sat in his seat while his speech was read by his colleague, Mason. His words were a "message of despair" and a prophecy of disunion. In his opinion further compromise was impossible, and the one proposed by Clay would fail. The North, and not the South, was the aggressor; and unless the North ceased its attacks upon slavery, suppressed the demand for abolition, and gave over the harboring of fugitive slaves, the South would be compelled to protect itself even at the cost of war. It was his last message to the American people. Just as the month was passing, he died.

Webster, too, prince of orators and constitutional lawyers, made on the 7th of March his last great speech. With something of the old massive eloquence he championed the compromise. Believing that slavery was excluded from New Mexico by natural laws of soil and climate, he saw no reason for excluding it by statute. "I would not take pains to reaffirm an ordinance of nature, nor to reenact the will of God. And I would put in no Wilmot Proviso, for the purpose of a taunt or a reproach." The South, he thought, had just grievances against the North. As for the Abolitionists, "their operations for the last twenty years have produced nothing good or valuable." The threat of secession he heard with "pain, anguish, and distress," for peaceable secession was impossible.

The moderate antislavery sentiment of the North was eloquently voiced by William H. Seward of New York. Seward declared himself unalterably opposed to compromise, believing all such agreements to be "radically wrong and essentially vicious." He denounced the principle of the fugitive slave law as "unjust, unconstitutional, and immoral," converting hospitality into a crime. The Constitution devotes the public domain "to union, to justice, to defense, to welfare, and to liberty. But there is a higher law than the Constitution, which

regulates our authority over the domain, and devotes it to the same noble purposes. . . . The simple, bold, and even awful question which presents itself to us is this: Shall we who are founding institutions, social and political, for countless millions — shall we who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust — shall we establish human bondage, or permit it by our sufferance to be established? Sir, our forefathers would not have hesitated an hour.”

The constitutionality of the Compromise of 1850 presents a difficult question. In appealing to a “higher law” than the Constitution, imposing upon Congress the obligation to keep the Territories free, Seward not only espoused the cardinal tenet of the Abolitionists, but also championed the common law principle laid down by Lord Mansfield in the Somerset case. On the other hand, since the United States as a federal government had no common law, and thus far had not interfered with slavery in the States, there was force in the argument that “popular sovereignty” accorded best with American practice. No State had abandoned slavery because it had to, none now possessed it because of outside compulsion. And so long as public opinion was divided, no strictly constitutional objection could

perhaps be made to a policy which left the people of the Territories to settle the question for themselves. In a legal sense the Union, considered primarily as a union of States, was as yet neither proslavery nor antislavery.

As to the expediency or necessity of compromise, opinion then and since has differed widely. Leaders in Congress were, on the whole, inclined strongly to the belief that the compromise was necessary in order to save the Union, but not all agreed with Webster that peaceable secession was impossible. Undoubtedly, the situation in 1850 was grave; some, perhaps, would have welcomed a conflict at arms; yet the clearer light of the present day seems to indicate that peaceable separation without war was the calamity most to be feared if the compromise failed. The South was united, the North divided, and Fillmore was no Jackson to coerce the one section or lead the other. From the European standpoint, the area of the United States was ample for the formation of more than one nation; and the South had obvious unities of climate, soil, products, and social and political institutions which the North had not. Nor should we forget that in 1861, after a Southern confederacy had actually been formed and secession proclaimed, no steps to prevent disruption were taken until, having failed to obtain

Fort Sumter by negotiation, Confederate batteries compelled its surrender.

So grave a crisis could only confront a nation whose political and social life was in unstable equilibrium. Ever since the War of 1812 the course of national politics, in spite of every effort to the contrary, had made for sectionalization. The struggles over protection, banks, and the subtreasury system; nullification in South Carolina; abolition literature and antislavery petitions; the annexation of Texas; Oregon and the Northern boundary; the Mexican War — every one of these questions, and the careers of the political parties which championed or opposed them, had widened rather than healed the breach. It can no longer be said, as it has commonly been said, that slavery was the root of sectionalism. Recent studies of State and local politics, and especially of economic development, have shown how uneven and sectional, quite apart from slavery, was the development of agriculture, commerce, industry, and political thought throughout the United States prior to the Civil War. Instead of sectionalism arising because of slavery, it would be truer to say that slavery persisted because of sectionalism.

But there inhered in slavery, even under the best conditions, that which made it a divisive and not a uniting force. Slavery

separated races, repelled free labor, discouraged manufactures and trade, hindered the development of agriculture, fixed an impassable gulf between master and servant, stratified society, corrupted morals, and repressed free thought. In the midst of the prodigious industrial progress of the first half of the nineteenth century, it helped by sheer dead weight and immobility to keep the South stationary. And when, in their efforts to control the nation for their own self-interest, those whose eyes were blinded were joined, as they were after 1850, by those who sinned against the light, the struggle became one for self-preservation. If history teaches any lesson with unspotted clearness, it is that in such a struggle no legislative compromise, however skillfully contrived, can long avail.

Nevertheless, for the moment the compromise appeared to have achieved its purpose. To keep the question of slavery out of politics, and at the same time adjust the opposing interests of the sections, had been the aim of the Democrats; and in that aim the party had apparently once more succeeded. Senators and Representatives affirmed again and again that the Compromise of 1850 was a "finality." Fillmore, in his annual message of December, 1850, declared that "we have been rescued from the wide and boundless agitation that sur-

rounded us, and have a firm, distinct, and legal ground to rest upon." Douglas thought that it would not again be necessary for him to make a speech on the subject of slavery.

Upon Webster, however, fell the weight of New England's condemnation. Webster had never sympathized with the abolition movement, nor was he a friend to slavery. So far as his public record went, he had stood with those who sought, by constitutional means, to restrict the growth of slavery. But his advocacy of the compromise, in his 7th of March speech, called down upon him from the Abolitionists the charge of apostasy; and the iron entered into his soul.

"When faith is lost, when honor dies,
The man is dead!
Then, pay the reverence of old days
To his dead fame;
Walk backward, with averted gaze,
And hide the shame!"

So sang the poet Whittier of "Ichabod," the repudiated statesman of Massachusetts. In the face of such a charge, unjust, indeed, but invited, the formal testimonials of supporters and friends were but a feeble solace.

CHAPTER VIII

THE UNITED STATES IN THE EARLY FIFTIES

THE nation which for the moment sought to accept the Compromise of 1850 as a "finality" was, in many important respects, quite different from what which, thirty years before, had struggled to achieve the Missouri Compromise. Heated discussion of slavery, foreign war, and the scope of the Constitution had not prevented or even checked the growth in industry and population which throughout the nineteenth century made the United States a wonder among nations. If political quiet and stability are, as has so often been said, the conditions most favorable to economic prosperity, the United States stood for more than fifty years a notable exception to the rule.

In 1853, by the "Gadsden purchase," the United States acquired from Mexico an additional area of about 36,000 square miles. With this addition — the last, except Alaska, that has been made to the continental limits of the United States — the jurisdiction of the federal government ex-

tended over an area about three and one-half times that of the original area in 1783. The wide variety of soil, climate and natural resource, joined to undisputed access to the Atlantic, the Pacific, and the Gulf of Mexico, made possible the growth of a varied agriculture, manufacture, and commerce; while the sterile character of much of the Mexican acquisitions was more than offset by the extraordinary mineral wealth of California.

The population, which reached 12,800,000 in 1830, grew to 17,000,000 in 1840 and to 23,000,000 in 1850; in 1860 it had become 31,400,000. The primacy of New York, with over 3,000,000 inhabitants, had been undisputed since 1820; but Pennsylvania had 2,300,000, Ohio nearly 2,000,000, Virginia 1,400,000, and Tennessee over 1,000,000, while Georgia, Indiana, Massachusetts, and Kentucky were near the million mark. California returned over 92,000 in 1850, and was to show in 1860 an unparalleled increase to 379,000; in addition, New Mexico in 1850 had 61,000, and Utah 11,000. Oregon, over whose possession the United States had nearly gone to war, had 13,000 population in 1850, while the new States of Iowa and Wisconsin showed 192,000 and 305,000 respectively.

The comparative growth of population in the free States and slave States showed, however, rapidly increasing divergence. A

free State population of 5,100,000 in 1820 became, in 1850, 13,500,000 and in 1860 19,100,000. A slave State population, on the other hand, of 4,400,000 in 1820 became only 9,600,000 in 1850 and 12,300,000 in 1860. The greatest gains were made in the "cotton belt" and in the border States of Kentucky, Tennessee, and Arkansas; in the Atlantic coast States the growth was much less marked. As the census enumeration included negroes as well as whites, and as the average annual importations of Africans, from 1820 to 1860, probably did not fall below 5000, it was evident that the white population of the South was steadily losing ground.

A factor of increasing importance to the North was the swelling volume of foreign immigration. From 1845, when the figures reached 114,000, immigration grew rapidly, with unimportant fluctuations, until 1854, when over 427,000 aliens entered the country. After that there was a rapid decline until 1861, the aggregate for 1854 not being reached again until 1873. Altogether, over 4,000,000 immigrants arrived between 1845 and 1860. While the proportion of the undesirable classes was large, far the greater number represented the sturdy middle and lower classes of northern Europe and the British Isles. Practically none went to the South, but nearly all settled down in the

manufacturing towns of the East, or went westward to establish themselves as farmers, or pressed on to California to work in the mines.

After 1830 the change from rural to urban life went on rapidly. The number of towns and cities with a population of 8000 or over rose from 44 in 1840 to 141 in 1860. The strongest factor in this urban growth was, of course, the development of manufactures and commerce, in both of which directions the North was once more at an advantage. The South did not accumulate the capital necessary for the establishment of factories or the construction of railroads; on the contrary, its relative wealth steadily declined, and it has been estimated that by 1860 few of the larger plantations were self-supporting. The proceeds of staple crops, after the necessary expenditures for food, manufactured goods, and more slaves, quite as often netted a deficit as a surplus. A few Southern mills spun yarn or wove coarse fabrics, but only about seven per cent of the spindles in the United States in 1850 were found in the South. Neither the coal nor the iron deposits of the South underwent any considerable development before the Civil War.

The growth of population, especially in the West, necessitated better facilities for transportation than were afforded by turn-

pikes and canals. By 1850 the rapid extension of railways had connected Boston and New York with the Great Lakes and Chicago, Philadelphia with Pittsburg on the Ohio, and Baltimore with Wheeling on the Cumberland. New England had a network of local lines. In the West liberal grants of land by the States were made in aid of railroads, and were supplemented by similar grants from Congress. In the Atlantic coast States, where there were no public lands, subscriptions of stock in considerable amounts were made by the States. As yet, however, lines were short, differences of gauge caused frequent changes for passengers and freight, and dividends were possible only in thickly populated sections. With the railroad, and frequently in advance of it, went the telegraph, which in 1848 reached Milwaukee and New Orleans.

Outside of New England, however, it was only the larger communities that, prior to 1860, were served by railroads. In country districts, and in the great West beyond the railway termini, the traveler must still resort to the stagecoach or private conveyance. Beyond the western boundary of Missouri mails for the Pacific coast were carried, from 1852 to 1860, by the daring riders of the Pony Express. The journey by stage from St. Louis to California could be made, in 1858, in about four weeks. Even

in New England the remoter towns of Maine, New Hampshire, and Vermont depended upon stage lines for their communication with the outside world. It was the policy of the federal government to carry the mails wherever there was an appreciable settlement, the larger offices paying in part for the smaller. The number of post-offices increased from 3000 in 1815 to 28,000 in 1860, the mileage of the routes from 43,000 to 240,000, and the receipts from \$1,000,000 to \$8,500,000.

The gain in wealth and financial stability was strikingly shown in the financial management of the Mexican War. The war added less than \$50,000,000 to the national debt. Loans were made in specie, at par or over, and in one notable case the loan was more than three times over-subscribed. The California mines, by adding enormously to the stock of gold in the country, aided the negotiation of specie loans and assured the maintenance of specie payment by the government. The rapid growth of commerce, particularly with England, and of trade with the West, swelled the customs receipts, while the expanding immigration stimulated the sales of public lands. By 1857 the public debt, which amounted six years before to over \$68,000,000, had been reduced to \$28,000,000. The weak spot in the financial situation was the State banks,

whose note issues, often subject to no efficient regulation by law, formed a currency of unstable value.

For ten years after the enactment of the Walker Tariff, in 1846, American politics was largely free from tariff discussion. By 1857, however, the reduction of the debt, together with the continuance of large importations, made it necessary to deal with the surplus. In March, accordingly, the rates were materially lowered, except on cotton, and considerable additions made to the free list. In August a disastrous commercial panic swept over the country; merchants and bankers failed, railroads went bankrupt, and specie payment was suspended. While the advocates of higher duties ascribed the panic primarily to the tariff changes, the larger cause was to be found, as usual, in a decade of remarkable industrial development, excessive railroad building, unsound banking, and speculation.

The next few years proved to be a period of difficulty and uncertainty for the treasury. In the meantime the new Republican party, which took the field for the first time in the presidential election of 1856, made protection one of its chief tenets; and its success in the election of 1860 was followed, in March, 1861, by the enactment of the Morrill Tariff with low but moderately protective duties.

Neither devotion to industry, agriculture, and commerce, however, nor insistence upon the "finality" of compromise, could long banish the slavery issue from the public mind. The first year of Fillmore's administration had not ended when the attempted enforcement of the Fugitive Slave Law tore open afresh a wound which many a political leader had declared was forever healed.

The Act of 1850 authorized the owner of a fugitive slave, or his agent, to cause the arrest of the fugitive in any State whither he might have fled, and to obtain a summary hearing of the case before a circuit or district court of the United States, or before one of the federal commissioners especially appointed to aid in the enforcement of the act. Legal proofs of ownership were required to be submitted, but the fugitive was prohibited from testifying in his own behalf. If the court or commissioner adjudged the fugitive to be the property of the claimant, he was to be delivered to the owner or agent, and federal marshals and their deputies were required to use all necessary means to insure the safe return of the fugitive to the State from which he had fled, and were made liable in heavy penalties if he escaped or was rescued. In the performance of their duties under the act, marshals were authorized to require the aid of bystanders or of the *posse comi-*

tatus of the county. Any one who attempted to prevent the return of a fugitive slave, or aided him to escape, was to be fined a thousand dollars, and mulcted a similar amount in damages to the injured owner or claimant.

Fillmore was advised by Webster, his Secretary of State, and Crittenden, his Attorney-General, that the proposed act was constitutional, and signed the bill; but there were serious objections to the act on other grounds than those of constitutionality. The appearance of slave hunters in the North would be certain to arouse all the slumbering hostility of the free States to slavery; while the summary character of the proceedings, and the denial to the alleged fugitive of the right to testify in his own behalf, not only reversed the time-honored legal presumption of innocence, but made it difficult even for free negroes to protect themselves. Moreover, while the act was intended to protect the slave owner in the enjoyment of his property, fugitive slaves in fact came chiefly from the Border States, where the relative number of slaves was least.

How serious the situation was with which this drastic statute was designed to cope was variously estimated. The census of 1850 reported the number of slaves who escaped to the free States in that year as 1011; in 1860 the number was 803, or one-

thirtieth of one per cent of the total slave population. The most liberal estimate, on the basis of these figures, would make the annual number of fugitives from 1840 to 1850 not greater than the number reported for the latter year; a maximum of 10,000 for the decade preceding the enactment of the law. It may well be doubted if more than half of that number actually escaped. Yet Clingman, a member of Congress from North Carolina, estimated the number of fugitives in the North at 30,000, and their value at \$15,000,000! In neither estimate is any account taken of the number of fugitives captured and returned.¹

Already, before the Compromise of 1850, a number of Northern States had taken steps to protect fugitive slaves who might come within their jurisdiction; and such legislation greatly increased after 1850. In New England, New York, Pennsylvania, and other States, "personal liberty laws" gave to fugitives the benefits of the writ of habeas corpus, or forbade a claimant to testify save in writing, or prohibited the use of prisons and jails for the detention of accused negroes. In Boston and elsewhere committees of prominent citizens were formed to give notice of the arrival of a slave hunter, provide counsel for the fugitive, and make possible his escape. No State was, indeed,

¹ Rhodes, *United States*, I, 378, note 3.

bound to enforce a federal statute, but it was bound not to obstruct the enforcement. The intense and widespread opposition to the law, however, overrode constitutional restraints and put large sections of the North for the time being in open hostility to the federal government. The attempted nullification of the tariffs of 1828 and 1832 by South Carolina was now matched by the attempted nullification of the Fugitive Slave law of 1850 by almost the entire North.

The enforcement of the act was not long delayed.¹ On the 15th of February, 1851, a negro named Shadrach was arrested in Boston, charged with being a fugitive slave. The federal commissioner, George Ticknor Curtis, adjourned the case to the next day in order that the accused might obtain counsel. A mob of negroes stormed the court-house in which Shadrach was confined and rescued the prisoner, who eventually made good his escape to Canada. President Fillmore at once issued a proclamation condemning the lawless proceedings and directing the prosecution of the offenders; but although five persons were indicted and tried, a disagreement of the jury prevented conviction.

On the 3d of April a second fugitive, named Sims, was apprehended in Boston.

¹ For details of the cases cited here and later, see Rhodes, *United States*, I, 208 *et seq.*

This time the court-house was protected by heavy chains and strongly guarded. Sims was found guilty, and with the aid of three hundred policemen and a regiment of militia, and to the accompaniment of tolling church bells, was placed on board a vessel to be returned to Georgia.

At Christiana, Pennsylvania, a slaveholder named Gorsuch, who with a party was searching for two fugitives from Maryland, precipitated a general fight with a body of negroes and others, in which Gorsuch was killed and his son wounded. A Quaker, Hanaway, who had refused to aid the marshal accompanying Gorsuch, was tried and acquitted. At Syracuse, New York, an alleged fugitive named Jerry McHenry was rescued from the police station by a party of men led by Samuel J. May, a Unitarian minister, and Gerritt Smith, an abolitionist and member of Congress, and aided to escape to Canada. May and Smith issued a statement telling of their part in the affair, but the United States district attorney was afraid to try them; and of eighteen others indicted, none were convicted.

At the close of his annual message in December, 1851, Fillmore again insisted upon the constitutionality of the Fugitive Slave law, pointed out that the law was necessary in order to give effect to the provision of the Constitution regarding fugi-

tive slaves, and declared that the opposition was directed, not against the act, but against the Constitution itself. "It is not to be disguised that a spirit exists, and has been actively at work, to rend asunder this Union." Fillmore was hardly a man to give weight to moral issues in politics: the letter of the law, duly enacted according to the approved procedure, was enough for him. That an aroused public opinion, usually in advance of the prescriptions of the statute book, could openly repudiate and publicly nullify a law whose constitutionality most lawyers felt bound to affirm, was to him inconceivable. Doubtless the situation was exceedingly difficult, legally, politically, and morally, but it was not given to Fillmore to lead the people in this time of crisis.

The publication in March, 1852, of Harriet Beecher Stowe's "Uncle Tom's Cabin" was like adding oil to the fire. Mrs. Stowe had little personal contact with slavery, although she knew well the literature of the subject; and she undoubtedly emphasized the dreadful incidents of the system rather than its general characteristics. But the tragic and pathetic story of devotion, suffering, death, and escape, written under the campus trees of Bowdoin College by a poor and unknown woman, touched the heart of the American people; and while the South

denounced the book as a gross and vicious libel, the men and women of the North who wept over it were becoming thereby more inflexible opponents of the hateful system. The novel was easily one of the most successful ever written, and to unprecedented sales in this country and in England were presently added large sales of translations into German, French, and other languages.

The enforcement of the law of 1850, together with the new interest aroused by "Uncle Tom's Cabin," stirred to increased activity the work of the "Underground Railway." Throughout the North, but especially in Pennsylvania and the States bordering on the Ohio River, were many earnest antislavery men and women ready to help the escape of fugitive slaves. Working in secrecy, and adopting the terminology of a railroad the better to conceal their operations, there shortly came to be something like a system of "stations," "trunk lines," "junctions," etc., for caring for fugitives and conveying them to Canada. Any slave who could succeed in crossing the Ohio was pretty certain of finding food, clothing, shelter, protection, and guidance from "conductors" and "agents." Members of the Society of Friends, long consistent enemies of slavery, were especially prominent in the movement, while the hazard of the work, as well as its humanitarian

purpose, added to its fascination. The aggregate results, of course, were small, but the willingness of otherwise law-abiding citizens to set a federal law at defiance, joined to the "personal liberty laws" of Northern legislatures, showed again how thoroughly the moral revolt was spreading. Men who gladly risked their freedom and their lives for the freedom and lives of others were not to be deceived by talk about the constitutionality or finality of compromise.

In spite, however, of the activity of the "Underground Railway," and of the chagrin and horror which every forcible return of a fugitive aroused, it became clear that, throughout the greater part of the North, the antislavery agitation was quieting down. Webster, though humiliated at the charge of apostasy, continued to urge acceptance of the compromise until his death, in 1852. Everywhere was observable a strenuous effort to regard the controversy as settled. The large Democratic majority in both houses of Congress, in 1851-53, was an unmistakable evidence of popular satisfaction, since the elections had taken place in the fall of 1850, when the debates over the compromise were fresh in mind. Both the President and Congress were in accord, the slavery question was kept as much as possible out of debate, and Fillmore's recommendations were, in general, approved.

When, accordingly, in June, 1852, the Democrats met in national convention at Baltimore, the outlook was bright. The split in the party, which had cost them the election of 1848, was now healed. The leading presidential candidate was Cass, who had headed the ticket in the previous campaign; but Buchanan, Douglas, and Marcy had each a strong following. Neither of these candidates, however, proved able to command the necessary two-thirds vote, and on the forty-ninth ballot a "dark horse," Franklin Pierce of New Hampshire, was nominated. The vice-presidential nomination was given to William R. King of Alabama. The platform, adopted after the candidates had been nominated, was in the main a repetition of the platform of 1848, with the addition of resolutions pledging the party to a faithful execution of the compromise measures, and condemning "all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made." The reading of the resolution concerning the compromise measures was received with tumultuous applause.

The Whigs, who met at Baltimore two weeks later, were badly divided as to both principles and candidates. The compromise had forever alienated the radical antislavery

and free soil members. The candidate of the Northern Whigs was General Scott; of the Southern, Fillmore; while Webster, who had the support of New England except Maine, was assured of some Southern votes also. On the fifty-third ballot Scott was chosen. The platform, pledging the party to a "strict enforcement" of the measures of 1850, and deprecating all further agitation of the question "whenever, wherever, or however the attempt may be made," might as well have been written by the Democrats, and was in fact carried by Southern votes.

A convention of Free Soil Democrats at Pittsburgh denounced slavery as "a sin against God and a crime against man," declared that "slavery is sectional and freedom national," and nominated John P. Hale of New Hampshire. As most of the Free Soilers who had acted independently in 1848 had now gone back to either the Democratic or the Whig ranks, the Pittsburgh convention, as its platform shows, represented only the irreconcilable antislavery radicals and Abolitionists.

The campaign was uneventful. The most that could be said for Pierce was that he was a respectable gentleman, entirely in accord with the platform of his party; but even the literary skill of his friend and classmate, Hawthorne, who wrote his cam-

paign biography, could not make him interesting. The only claim of Scott, familiarly known in army circles as "Fuss and Feathers," was his military record. Neither candidate, accordingly, awakened enthusiasm, but the Democrats were united where the Whigs were divided, and union brought victory. Pierce received 254 electoral votes against 42 for Scott. Of the thirty-one States which took part in the election, only four — Vermont, Massachusetts, Kentucky, and Tennessee — supported the Whig candidates. Never had a party met a more crushing defeat. It was popularly said that the Whig party died of an attempt to swallow the Fugitive Slave law; but that law was, after all, only the most offensive incident of a system which the North was rapidly repudiating as a whole, and in regard to which the Whigs were no longer able to speak either clearly or unitedly.

Leaders, too, as well as parties were changing. Clay died at Washington, June 29, hopeful to the last of beneficent results from the compromise which he had labored to frame. Webster, with unabated love for the Union, but broken-hearted at the denunciations of his former supporters and the loss of the presidency, passed away at Marshfield, Massachusetts, October 23. Benton, for thirty years Senator from Missouri, had met defeat at last in 1850, though he

presently secured an election to the House of Representatives. The political tasks of the future were for other hands than those which for a generation had directed them.

The years immediately following the war with Mexico saw the rise of a number of important diplomatic questions, with some of which slavery was indirectly involved. The spirit of "manifest destiny," inspired by the acquisition of territory on the Pacific, joined to Northern hostility to territorial enhancement of slavery, bred, on the one hand, an arrogant temper in regard to Europe, and, on the other, caution in dealing with the countries to the south.

One result of the revolution of 1848 in Austria was the establishment of a short-lived Hungarian republic. The dispatch of an American agent to extend recognition to the new State, in case it should prove permanent, drew from Austria a protest. Webster, the Secretary of State, in a letter to Hülsemann, the Austrian chargé d'affaires at Washington, upheld with vigor the right of the United States to express its sympathy with struggling people anywhere. "The power of this republic," he wrote, "at the present moment is spread over a region one of the richest and most fertile on the globe, and of an extent in comparison

with which the possessions of the House of Hapsburg are but a patch on the earth's surface. . . . Nothing will deter either the Government or the people of the United States from exercising, at their own discretion, the rights belonging to them as an independent nation, and of forming and expressing their own opinions, freely and at all times, upon the great political events which may transpire among the civilized nations of the earth." Webster admitted that the letter was "boastful and rough," but justified himself on the ground that it was well to "speak out," and that the letter would appeal to the national pride and make disunion contemptible.

The discovery of gold in California raised the question of the control of the isthmian passages between Panama and Tehuantepec, across which emigrants were traveling in increasing numbers. The best route for a ship canal was believed to be that of the San Juan River and its connecting lakes, in the State of Nicaragua. Great Britain, however, claimed a protectorate over the Mosquito Indians on the east coast of Nicaragua; and although the validity of the claim was denied by the United States, the construction of a canal or other highway without British consent would be likely to provoke war. In 1850 Clayton, Secretary of State, concluded with Sir Henry Lytton

Bulwer, British minister at Washington, a treaty by which the two powers agreed to aid in the construction of an interoceanic canal across the isthmus, to guarantee its neutrality, and to invite other nations to join in the guarantee. At the same time control or dominion over Nicaragua, Costa Rica, the Mosquito coast, or any other part of Central America was mutually renounced. A dispute over the extent of British authority in the region, culminating in the bombardment of Greytown, at the mouth of the San Juan River, by a United States vessel in 1854, was left for later settlement.

Relations with Cuba were difficult throughout Fillmore's administration. An intimation, in 1848, of a willingness on the part of the United States to purchase the island had drawn from Spain the reply that "sooner than see the island transferred to any power they would prefer seeing it sunk in the ocean." In the South, however, where the desire for annexation was pronounced, a willing ear was given to reports that the Cubans were ready to revolt; and the government found it impossible to prevent filibustering. When in August, 1851, the leading agitator, Lopez, was captured and executed by the Spanish authorities in Cuba, and fifty of his followers, some of them prominent young men from the South, were court-martialed and shot, a mob at

New Orleans retaliated by attacking the Spanish consulate and looting Spanish shops. For this outbreak the United States properly made reparation.¹

¹ T. C. Smith, *Parties and Slavery*, 82, 83.

CHAPTER IX

THE REPEAL OF THE MISSOURI COMPROMISE

IT was to the credit of President Pierce that he made no attempt to conceal or qualify his opinions on the question of slavery. "I believe," he declared in his inaugural, "that involuntary servitude, as it exists in different States of this Confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions. I hold that the laws of 1850, commonly called the 'compromise measures,' are strictly constitutional and to be unhesitatingly carried into effect. I believe that the constitutional authorities of this Republic are bound to regard the rights of the South in this respect as they would view any other legal and constitutional right, and that the laws to enforce them should be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully and ac-

according to the decisions of the tribunal to which their exposition belongs. Such have been, and are, my convictions, and upon them I shall act."

So frank a declaration of opinion by the chief magistrate of the nation would be significant at any time, but in this case the significance arose, not from the character of Pierce, but from the circumstances under which the words were uttered.

The Territory of Missouri, organized by act of Congress in 1812, comprised all of the original Louisiana purchase except the State of Louisiana, which was admitted to the Union the same year. The area was reduced by the organization of the Territory of Arkansas in 1819. Upon the admission of Missouri as a State, in 1821, the territorial organization lapsed, and the portion of the former Territory not embraced within the boundaries of the new State became again public domain, without governmental organization of any sort. In 1834, when the so-called Indian Territory was set apart, whites were excluded from the whole region save as traders and missionaries. In the same year the region north of Missouri and east of the Missouri River was annexed to Michigan Territory, and in 1836 the western boundary of Missouri, north of the junction of the Kansas and Missouri Rivers, was extended to the latter river.

For many years after the admission of Missouri the unorganized territory to the west continued to be called Missouri, the name gradually giving way to those of Kansas, Nebraska, or the "Platte country." The Santa Fé and Oregon trails carried an increasing overland commerce to Mexico, California, and Oregon, while a few military posts, the principal one being that of Fort Leavenworth, on the Missouri River, helped to keep hostile Indians in check.

As early as 1844 the Secretary of War, Wilkins, urged by the growth of the overland trade and the increasing migration to Oregon, recommended the organization of a territorial government under the name of Nebraska, as preliminary to the establishment of further military posts. Stephen A. Douglas, who had just entered Congress as a Representative from Illinois, at once introduced a bill for the purpose, but no action was taken by the House. The matter rested until March, 1848, when Douglas, now a member of the Senate, again introduced a Nebraska bill, which likewise came to nothing. A third bill in December was considered by the Senate and recommitted.

The Compromise of 1850 did not affect the Nebraska country, which, so far as slavery was concerned, rested under the prohibition of the Missouri Compromise of 1820. The unwillingness of Texas to be

subdivided, however, and the unlikelihood that slavery would ever be profitable, if indeed it were even permitted, in New Mexico or Utah, left the South with no territorial advantage as a result of the compromise. It was not likely, therefore, that the vast region west of the Missouri River would long escape notice, even though, by a solemn agreement now a generation old, slavery had been forever excluded from it.

In December, 1852, Representative Hall of Missouri introduced in the House a bill to organize the Territory of Platte. On February 2 the chairman of the Committee on Territories, Richardson of Illinois, reported to the House a bill to organize the Territory of Nebraska. By a vote of 98 to 43 the bill passed the House, but the Senate, by a vote of 23 to 17, refused to consider it. The bill did not propose to legislate slavery into the new Territory, and the votes in opposition, given chiefly by Southern members, indicated a plan, already somewhat formed, to set aside the Missouri Compromise on the ground that the principle of popular sovereignty had superseded it. The Democrats, meantime, had won the election of 1852, and on the 4th of March, 1853, Pierce had announced his policy in the words just quoted from his inaugural.

The Thirty-third Congress, which met December 5, 1853, had in the Senate 36

Democrats, 20 Whigs, and 2 Free Soilers; and in the House 159 Democrats, 71 Whigs, and 4 Free Soilers. As compared with the previous Congress, the Democratic majority showed an increase in both branches. On the 14th of December Senator Dodge of Iowa introduced a bill to organize the Territory of Nebraska; Miller of Missouri followed on the 22d with a similar bill in the House; and the last great legislative battle over slavery began.

The Senate bill, substantially identical with the bill reported from the Committee on Territories the previous February, provided for the organization as one Territory of the whole region included between the parallels of $36^{\circ} 30'$ (the southern boundary of Missouri) and $43^{\circ} 30'$ on the south and north, Missouri and Iowa on the east, and the Rocky Mountains on the west. The bill went in regular course to the Committee on Territories, of which Douglas was chairman.

On the 4th of January, 1854, Douglas reported from the committee a substitute for the Dodge bill, incorporating the provision regarding slavery that had been included in the acts organizing the Territories of New Mexico and Utah, in 1850, together with provisions for the faithful execution in the new Territory of the Fugitive Slave law. In the opinion of the com-

mittee, the measures of 1850 "were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory." They were intended, rather, "to establish certain great principles which would not only furnish adequate remedies for existing evils, but in all time to come, avoid the perils of a similar agitation by withdrawing the question of slavery from the halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in, and alone responsible for its consequences." For this reason, and because Nebraska occupied "the same relative position to the slavery question" as did Utah and New Mexico, the committee thought proper to "perpetuate" those principles in the pending bill.

On the question of the validity of the Missouri Compromise the committee expressed no opinion, beyond stating concisely the arguments for and against the right of Congress to enact such a prohibition. As Congress, in the legislation of 1850, neither affirmed nor repealed the preëxisting anti-slavery laws of Mexico, nor declared its view of the extent of constitutional authority over slave property in the Territories, the committee saw no reason for reviving the question now.

Did Douglas mean to repeal the Missouri Compromise? Had the "principles of 1850" superseded that of 1820, especially in view of the fact that the two bodies of legislation applied to different regions? Could popular sovereignty be established in Nebraska without first repealing the prohibition of 1820? The most careful scrutiny of the committee report failed to show a clear answer to these questions.

To neither party, accordingly, was the amended bill acceptable. In order to clear it of obscurity, Senator Dixon of Kentucky, on January 16, gave notice of an amendment excepting the proposed Territory from the operation of the Missouri Compromise and opening it to slavery; to which Charles Sumner of Massachusetts replied the following day with an amendment expressly continuing in force in Nebraska the slavery prohibition of 1820.

On the 23d several new amendments were reported from the committee. There were now to be two Territories, Kansas and Nebraska, instead of one, the southern boundary of Kansas being also changed from $36^{\circ} 30'$ to 37° , and the northern boundary of Nebraska from $43^{\circ} 30'$ to 43° . The slavery issue was met by an amendment declaring the Missouri Compromise inoperative in the two Territories, on the ground that it had been "superseded" by the com-

promise measures of 1850. The bill with these changes Douglas moved to substitute for the bill originally reported.

The next day appeared an "Appeal of the Independent Democrats in Congress to the People of the United States," dated January 19, and signed by Chase, Giddings, and Wade of Ohio, Sumner and De Witt of Massachusetts, and Gerritt Smith of New York. The "Appeal" arraigned the bill as "a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region immigrants from the old world, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves." It warned the country that "the dearest interests of freedom and the Union are in imminent peril," charged Douglas with bad faith, and declared that the Union could be maintained only "by the full recognition of the just claims of freedom and man."

The debate which began January 30 and continued until March 3 was of unparalleled bitterness, and aroused the whole country. Douglas, familiarly known as the "Little Giant," was a masterful debater, and with the firm support of the President and the Southern Whigs was assured of votes enough to pass the bill; but its opponents fought

him desperately at every point. Douglas had declared in 1849, in a speech at Springfield, Ohio, that the Missouri Compromise "had become canonized in the hearts of the American people, as a sacred thing which no ruthless hand would ever be reckless enough to disturb." Now, however, with revised opinions, he made a violent attack upon Chase and the signers of the "Appeal," asserting that "this tornado has been raised by abolitionists and abolitionists alone," and accusing them of "a falsification of the law and of the facts."

Chase, in one of his greatest speeches, riddled the slavery provisions of the bill from end to end. "The truth is," he declared, "the compromise acts of 1850 were not intended to introduce any principle of territorial organization to any other Territory except that covered by them." If the advocates of slavery wished to repeal the Missouri Compromise, let them "do it openly, do it boldly. . . . Do not declare it 'inoperative' because superseded by the principles of the legislation of 1850." If this bill is passed, "it will light up a fire in the country which may, perhaps, consume those who kindle it."

To meet the weighty objection that, under our system, one law cannot "supersede" another, Douglas, on the 6th of February, offered an amendment substituting for the

clause "which was superseded by," the clause "which is inconsistent with." The dilemma was still as great as before, some strong advocates of the bill still insisting that the only way to get rid of a law was to repeal it. The next day Douglas took the final step by proposing an amendment extending to the proposed Territories the Constitution and such laws of the United States as were not locally inapplicable, except the prohibitory section of the Missouri act, "which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

The adoption of this amendment, February 15, was followed on March 4, after an all-night session,¹ by the passage of the bill. Twenty-eight Democrats and nine Whigs, all of the latter from the slave States, furnished the majority. The fourteen negative votes were cast by two Free Soilers, one Southern and six Northern Whigs, and one Southern and four Northern Democrats.

¹ The legislative date is, of course, March 3.

We must now turn to the House of Representatives. On the 22d of December Representative Miller of Missouri introduced in that body a bill to organize the Territory of Nebraska. The Committee on Territories changed the bill into one for the organization of two Territories, Kansas and Nebraska, and in that form it was reported by Richardson on January 31. The bill did not disturb the slavery prohibition of the Missouri Compromise, but a minority report, submitted by English of Indiana, urged the application of the principle of popular sovereignty to the proposed Territories.

The bill as reported was not taken up for formal consideration until May 8. On the 14th of February, however, an irregular debate on slavery, compromise, and the provisions of the Senate and House bills began, which continued, regardless of the business nominally before the House, for ten weeks. The Senate bill, coming over to the House, was put on the calendar March 21, and apparently buried.

In the meantime Congress was not left in ignorance of the excited state of public feeling. A furious torrent of speeches, resolutions, sermons, and editorials burst from the North upon the President, Douglas, and the South, sweeping to destruction the "finality" and labored peace upon which the reunited Democracy had felicitated it-

self. On the 14th of March Edward Everett submitted to the Senate the protest of three thousand New England clergy against the Kansas-Nebraska Bill. Douglas, forgetting his usual courtesy, declared that the signers had "desecrated the pulpit and prostituted the sacred desk to the miserable and corrupting influence of party politics." A New York paper stated on March 15 that, up to that time, between two and three hundred large public meetings in the North had denounced the bill, against less than half a dozen that had approved it. The legislatures of New York, Massachusetts, Maine, Rhode Island, and Wisconsin, the last three Democratic States, passed resolutions of protest.

But the course of the measure was not to be stayed. On the 8th of May Richardson called up the Kansas-Nebraska bill. Eighteen bills and resolutions preceded the House bill, which was identical with the original Senate bill, on the calendar: these were one by one laid aside, each time with a demand for the yeas and nays and a calling of the roll. A substitute, identical with the Senate bill save for a provision restricting suffrage and office-holding to citizens of the United States, was then offered for the House bill, and debate began.

Every device known to parliamentary law was resorted to to oppose the bill, or to amend it, or to delay its passage. On

Thursday and Friday, May 11 and 12, the House was in continuous session for thirty-six hours. Bitter recrimination and attack, angry personal exchanges, and drunkenness marked the proceedings, and an open fight was narrowly averted. It was all to no purpose. Douglas was at hand to aid with his presence and advice; party newspapers had already declared that no Democrat who voted against the bill could expect further recognition from the administration; and the majority, though small, was united. Shortly before midnight of the 22d the bill was passed.

Of the 113 affirmative votes, all but 12 were given by Democrats; but of the 100 who voted in the negative, 42 were Northern Democrats, 2 were Southern Democrats, and 7 were Southern Whigs. Benton, who had been elected to the House after his defeat in the senatorial contest of 1850, had been unceasing in his opposition to the bill, and voted against it.

Douglas championed the bill in the Senate, and a violent debate of two days marked its passage by that body. Sumner put the case in a nutshell when he declared that the measure was "at once the worst and the best bill on which Congress ever acted. . . . It annuls all past compromises with slavery, and makes all future compromises impossible. Thus it puts freedom and slavery

face to face, and bids them grapple." On the 26th the bill passed the Senate without a division, and on the 30th it received the approving signature of President Pierce.

One cannot read the history of this remarkable episode without speculating as to the motive of Douglas. Douglas was an able lawyer, a skilled parliamentarian, a practical politician, and the greatest debater of his time. He had been in Congress during the session of 1850, and was familiar not only with what was said and done at that time in regard to slavery in the Territories, but with the temper and point of view of the men who advocated and opposed the legislation of that year. No man in public life needed less that any one should tell him how important it was for the Democrats that the slavery question should be kept out of politics, or how instant and outspoken would be the opposition if the slavery interests were again openly favored. Why, then, did he reopen a question which weighty political reasons apparently dictated should remain closed?

The charge that he acted in the matter as the agent and spokesman of the South, which section, it was averred, demanded the repeal of the Missouri Compromise, was more than once made in debate, and in the North was widely believed. The charge cannot be maintained. Senator Clay-

ton of Delaware stated the case accurately when he said, three days before Douglas's bill passed the Senate: "This proposition to repeal the Missouri Compromise did not originate with Southern men. It comes from the North. The Senator from Illinois [Douglas] is its reputed author. The Committee on Territories, of which he is the chairman, composed of a majority of Northern men, authorized him to report it. We know that a majority of Northern Senators here concur with him in pressing its repeal upon us. The Southern Senators . . . have not refused to accede to it. With a vote almost unanimous they will accede to it, especially as it is known to be supported by a Northern President, and a cabinet composed of a Northern majority. I did not ask for it. . . . I do not believe it will repay us for the agitation and irritation it has cost. But can a Senator whose constituents hold slaves be expected to resist and refuse what the North thus freely offers as a measure due to us?"

The charge, frequently made at the time and often repeated, that the bill was brought forward to help out a weak administration and further Douglas's aspirations for the presidency, was roughly voiced by Cullom of Tennessee during the House debate. "This bill, sir, should be on the private calendar, and the title of it should be so

amended as to read, 'A bill to make great men out of small ones, and to sacrifice the public peace and prosperity upon the altar of political ambition' . . . The author of this movement was a defeated, or, rather, a rejected presidential aspirant in 1852. . . . We had a weak and tottering administration, reeling under the blows laid on from every quarter . . . for its gross disregard of the platform upon which it came into power, and of the just claims of the conservative portion of the Democratic party. . . . The Senator from Illinois, seeing this state of things, thought he had a good chance to do something handsome for himself, and at the same time to relieve the Democratic party from the suspicions which had attached to its head. . . . He did not wait to be bidden by the administration. In looking over the whole ground, he thought the readiest way of creating a counter-excitement, to save the administration and the Democratic party, in the success of which he had an interest, would be to get up a row on the slave question."

Against the sharp accusations of Cullom should, in fairness, be placed the words of Douglas himself. "I have not," he said, "brought this question forward as a Northern man or as a Southern man. . . . I have brought it forward as an American Senator, representing a State which is true to this

principle, and which has approved of my action with respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those Territories, and of the States to be formed therefrom, now and in all time to come. I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution."

It is easier today than it was in 1854 to accept Douglas's statement, notwithstanding that his course in the Kansas-Nebraska matter does little credit to his judgment. Douglas was to make it clear beyond peradventure, before half a dozen years had passed, that he stood immovably for the Union as against either sectionalism or secession. His political opinions, on the other hand, were more the result of impulse and notions of expediency than of careful or studious reflection. He had doubtless convinced himself that the principle of popular sovereignty was the correct one to apply to slavery, and that the opening of new Territories on that basis was an act of justice to the Union as a whole; but if he imagined that a reopening of the question in 1854 would strengthen the Pierce administration, or help his own presidential chances in 1856, he showed a short-sightedness of

which many a lesser politician would have been ashamed.

An immediate effect of the appearance of the Kansas-Nebraska bill was the revival of Northern resistance to the Fugitive Slave Act, in regard to which there had been, for two years, a declining intensity of feeling. In March, 1854, a fugitive slave was rescued from jail at Milwaukee, Wisconsin. One of the rescuers, a journalist named Booth, was arrested, but released under habeas corpus process by a justice of the Supreme Court of the State, who declared the Fugitive Slave law unconstitutional. The decision was subsequently affirmed by the full bench, but was appealed to the Supreme Court of the United States, where in 1859 the decision was reversed and the opinion of the State court severely criticised.

On the evening of Wednesday, the 24th of May, the day before the Kansas-Nebraska bill finally passed the Senate, a fugitive slave named Anthony Burns was arrested in Boston. The spread of the news threw the city into a ferment. On Friday a great gathering packed Faneuil Hall, the old "cradle of liberty," to listen to inflammatory speeches by Wendell Phillips and Theodore Parker. While the meeting was in progress word was received that a negro mob was attempting to rescue Burns; and the audience rushed from the hall to the

scene of excitement at Court Square. There a small party led by Thomas Wentworth Higginson, swelled to two thousand by the recruits from Faneuil Hall, broke in the door of the courthouse; but the building was stoutly defended, and the mob was repulsed.

The mayor called out two companies of artillery to support the United States marshal, and the trial of Burns proceeded on Monday under the protection of soldiers and police. The case against Burns was clear, and he was delivered to his claimant. With a guard of United States artillery and marines, twenty-two companies of militia, and a marshal's posse of one hundred and twenty-five deputies, Burns was marched to the wharf and placed on a revenue cutter bound for Virginia; while windows were draped in mourning, and crowds of spectators hissed and groaned.

Reference has been made to Clayton's proposed amendment to the Kansas-Nebraska bill, limiting to citizens of the United States the right to vote and hold office in the Territories. Political opposition to foreigners, always popular in America, had in 1845, under the name of Native Americanism, assumed national importance, four members of the House from New York and two from Pennsylvania representing the new party. Famines in Ireland, followed by the European revolutions of 1848-

49, added greatly to the number of foreigners, many of them Roman Catholics, in the country.

In 1852 the agitation broke out afresh under the popular name of the "Know-Nothing" movement. Secret societies, based upon opposition to foreigners and Roman Catholics as voters and office-holders, sprang up rapidly in Massachusetts, Connecticut, New York, Maryland, and Ohio. The most important of these societies, the Order of the Star-Spangled Banner, had been organized in 1850, but its existence did not become generally known until 1853. The members, when interrogated, professed entire ignorance of the purposes or methods of the societies, and most of the organizations were so devised as to give the control to a few high officials. A general convention of Know-Nothings, representing societies in thirteen States, was held in New York City in June, 1854. By secretly endorsing Whig or Democratic candidates, the new party for a time confounded the old political leaders, and exercised considerable control of State and local elections.

The complete break-up of the Whig party in the North, following the passage of the Kansas-Nebraska Act, gave the new movement its opportunity. Under the name of the American party, the organization in 1854 carried the State elections in Massa-

chusetts and Delaware, and polled a large vote in New York and Pennsylvania; while many candidates nominally reckoned as Republicans or "Anti-Nebraska men" were in reality Americans. In 1855 the movement spread to the South and threatened havoc in the Whig party of that section, but the comparatively small number of foreigners there limited its influence. By 1856 the party was large enough to hold a national convention and nominate candidates for President and Vice-President. By that time, however, the new Republican party was in the field, and the story of the campaign will be told later.

CHAPTER X

THE STRUGGLE FOR KANSAS

THE Kansas-Nebraska Act became law on the 30th of May, 1854. Within a month settlers from Missouri, believing that the passage of the act meant the opening of Kansas Territory, at least, to slavery, began moving across the border and took possession of some of the best lands. Out of this migration were presently founded the towns of Atchison and Leavenworth, on the Missouri River, and Lecompton, fifty miles west of the present Kansas City, Missouri, on the Kansas River. Few of those who went took their slaves with them, for slave property was sensitive to change, and the ultimate status of slavery in the Territory was not yet assured. But freedom in Kansas would clearly be a menace to slavery in Missouri, especially in view of the fact that in the western counties of that State the institution was not very profitable; and it was desirable, therefore, to take time by the forelock.

A similar migration from the free States, especially from Indiana, Illinois, and Iowa,

set in about the same time. In April the Massachusetts Emigrant Aid Company was incorporated, with the object of organizing and aiding the migration of free State settlers to Kansas. In February, 1855, the name was changed to the New England Emigrant Aid Company. The leading spirit in this enterprise was Eli Thayer, an enthusiastic abolitionist of Worcester. The first president of the company was John Carter Brown, the foremost merchant of Providence, Rhode Island; and among its directors and active members were Amos Lawrence, John Lowell, and Nathan Durfee, wealthy and influential manufacturers of Massachusetts; Dr. Samuel G. Howe, a pioneer worker for the education of the blind; Edward Everett Hale, then a minister at Worcester; Henry Wilson, later Vice-President of the United States; and Professor Benjamin Silliman of Yale College, the geologist. Horace Greeley gave the movement efficient aid in the columns of the New York *Tribune*, which he edited, as did Richard Hildreth, the historian, in the Boston *Daily Advertiser*.

Contrary to the Missourians, who assumed that Kansas was already given over to slavery, the Emigrant Aid Company, taking popular sovereignty for whatever it might prove to be worth, undertook to make Kansas a free State by planting in the Territory a predominant anti-slavery popula-

tion. Great care was taken in the selection of emigrants, and liberal provision was made for their transportation and early maintenance. Farming implements, tools, building materials, and a printing press were among the facilities furnished; to which were presently added, under stress of circumstances, Sharpe's rifles. By July, 1855, some 1,400 persons had been sent to Kansas, at a cost of about \$140,000. The town of Lawrence, forty miles west of the border, became the headquarters of the free State men. The representative of the company in Kansas was Dr. Charles Robinson, destined to play for more than thirty years a prominent part in the history of the State.

In October Andrew H. Reeder of Pennsylvania was appointed by President Pierce governor of Kansas Territory. Reeder was a man of ability and integrity, and although friendly to the South and suspicious of the Emigrant Aid Company, was determined that popular sovereignty should be given a fair trial. He was not long in learning the view taken of the matter by the proslavery element. On the day appointed for the election of a territorial delegate to Congress, November 29, the proslavery vote in Kansas was reinforced by over 1,700 Missourians, who rode across the border to participate in the election. The free State men, for the most part, did not vote. The delegate

chosen, J. W. Whitfield, an Indian agent and a Tennessean, was promptly admitted to a seat in the House of Representatives at Washington.

The first election of members of the territorial legislature was appointed for March 30, 1855. As a preliminary to the election, a census was taken which showed a total population of 8,601, of whom 2,905 were entitled to vote. A majority of the voters had come from slaveholding States. On the morning of election day "an unkempt, sun-dried, blatant, picturesque mob of five thousand Missourians, with guns upon their shoulders, revolvers stuffing their belts, bowie-knives protruding from their boot-tops, and generous rations of whiskey in their wagons,"¹ crossed the border, took possession of all the polling places save one, and furnished more than seventy-five per cent of the 6,307 votes returned.

Four days only were allowed for filing protests. The "border ruffians" openly threatened death to the signers of such protests, and let Reeder know that he would be given fifteen minutes in which to decide whether or not he would give certificates of election to those who had the most votes, or be shot. "The scene in the executive chamber," writes Mr. Rhodes, "when the governor canvassed the returns, was an

¹ Spring, *Kansas*, 44.

apt illustration of the result of the Douglas doctrine, when put in force by rude people in a new country, and when a question had to be decided upon which the passions of men were excited to an intense degree. The thirty-nine members who, on the face of the returns, were elected were seated on one side of the room, the governor and fourteen friends on the other. All were armed to the teeth. Reeder's pistols, cocked, lay on the table by the side of the papers relating to the elections." On technicalities the governor was able to reject the returns from seven districts from which protests had been received, and order new elections; to those apparently chosen elsewhere he issued certificates.¹

The legislature met at Pawnee, July 2, with a roll of twenty-eight proslavery and eleven free State members. Two of the free State members resigned, and the other nine were shortly unseated. At an adjourned session at Shawnee Mission, July 16, a body of laws based upon those of Missouri was hastily adopted, with the addition of stringent provisions for the protection of slavery. Reeder, his opinions on slavery and popular sovereignty revolutionized, encountered the bitter and relentless hostility of the Missouri element, who demanded his removal from office. President Pierce, who professed

¹ Rhodes, *United States*, I, 364.

“harassing anxiety” at what had taken place in Kansas, yielded to the pressure of Reeder’s enemies, among them Jefferson Davis of Mississippi, the Secretary of War, and on August 15 the governor was removed.

The free State party, led by Robinson, whose experience in California a few years before now stood him in good stead, denounced the Pawnee legislature as illegal, and began arming themselves. The removal of Reeder presently showed how the federal administration stood. On October 9 a free State convention met at Topeka and chose Reeder as delegate to Congress. A few days before, the proslavery legislature had re-elected Whitfield. On the 23d of October a free State constitutional convention assembled at Topeka, and drew up a constitution prohibiting slavery. December 15, by a vote of 1,731 to 46, the constitution was ratified, and in January Robinson was elected governor. Kansas thus had two rival governments, each of which denounced the other as illegal. For the time being, at least, might made right: every man went armed, and the cocking of a rifle or revolver was likely to be the prelude to conversation with a stranger.

When the Thirty-third Congress met, December 4, 1854, the breakdown of the old party lines at once became apparent. There was a safe Democratic majority in

the Senate. The House contained 117 "Anti-Nebraska men," 79 Democrats, and 37 proslavery Whigs or Know-Nothings, all but three of the latter from the South. Although the Anti-Nebraska men had a majority, many of them were Know-Nothings, and no candidate for Speaker could command their united support. After a contest, prolonged to 130 ballots, between Richardson, the Democratic candidate, and Banks of Massachusetts, who had been elected as a Know-Nothing but had later identified himself with the new Republican movement, it was agreed to elect by a plurality, and on February 2 Banks was chosen. The long struggle, turning as it did on the attitude of parties and leaders towards the Kansas-Nebraska Act, greatly embittered feeling and augured ill for congressional treatment of the Kansas question.

Pierce, waiting for the settlement of the speakership contest, held back his annual message until the last day of the year. Serious diplomatic differences with Great Britain over the Clayton-Bulwer Treaty and the Crimean War were pending, and he was anxious to make public his message and the accompanying correspondence. On the question of the Kansas troubles he offered only a single short paragraph. "In the Territory of Kansas," he wrote, "there have been acts prejudicial to good order, but as

yet none have occurred under circumstances to justify the interposition of the Federal Executive." Should there be organized resistance to federal or territorial law, he would be bound to suppress it. He trusted, however, that "the occurrence of any such untoward event will be prevented by the sound sense of the people of the Territory."

The message, read to the Senate but not to the House, was of course written for presentation at the beginning of the session. By the time it was sent in, however, the two factions in Kansas had come near to an armed clash. The murder of a free State settler by a proslavery squatter, as the outcome of a quarrel, had been followed by the arrest of one Branson, charged with threatening the life of one of the accomplices. A band of free State men intercepted the sheriff, Jones, and his posse on the way to Lecompton, the territorial capital, and compelled the release of Branson.

Jones hurried off a call for help to Missouri, and dispatched a vivid account of the affair to Shannon, the newly appointed governor of the Territory. In a few days some twelve hundred men were encamped along the Wakarusa stream, near Lawrence. The town had been fortified and six hundred men were ready to defend it. Shannon appealed for support to the commander of

the United States troops at Fort Leavenworth, Colonel Sumner, but Sumner refused to act without orders from Washington. Shannon was finally induced to enter Lawrence, and on learning the true state of the case prevailed upon the Missourians to withdraw. The bloodless "Wakarusa war" ended with the victory of the free State men. On December 15 came the vote on the Topeka constitution, and a month later the election of Robinson as governor.

January 24, in a special message, Pierce reviewed at length the course of events in Kansas. He charged Reeder with dilatoriness, and with personal misconduct which necessitated his removal; upheld the proslavery legislature and its acts; condemned the free State agitation as revolutionary; declared that it would be his "imperative duty to exert the whole power of the Federal Executive to support public order in the Territory, to vindicate its laws, whether federal or local, against all attempts of organized resistance, and so to protect its people in the establishment of their own institutions, undisturbed by encroachment from without." On the other hand, he recommended that provision be made by Congress, as soon as the population of the Territory warranted, for holding a constitutional convention preparatory to the admission of Kansas as a State.

If the thinly veiled allusions of the message meant anything, they meant that federal troops would be used, if necessary, to uphold the proslavery government. The reference to "encroachment from without" was to the Emigrant Aid Company. The reference was made still clearer by a proclamation of February 11, ordering the cessation of unlawful attacks upon the authority of the Territory or of the United States therein, denouncing the activity of "other persons, inhabitants of remote States," who were "collecting money, engaging men, and providing arms" for illegal use; and threatening the employment of military force. To the fettered mind of Franklin Pierce the situation in Kansas presented no moral issue whatever, but only the bare legal question whether or not the Constitution and laws of the United States should be upheld. The grim challenge of "War to the knife, and the knife to the hilt!" was the answer of the free State men to Pierce's legal quibbling, and neither Missouri nor the South was loth to take it up.

Three days after the issuance of Pierce's proclamation, Reeder opened in the House of Representatives a contest for the seat occupied by Whitfield as territorial delegate. The House, in despair at the opposing claims of the two factions, appointed a special committee — John Sherman of Ohio,

Howard of Michigan, and Mordecai Oliver of Missouri — to investigate affairs in Kansas. Oliver, the Democratic member, had participated in the fraudulent territorial election in March, 1855.

Before the committee reported, the Kansas question had taken on a more violent and serious aspect. Great efforts had been made to induce migration to Kansas from the South, and in April a company of 280 men from South Carolina, Georgia, and Alabama, led by Colonel Buford, started for the Territory. The men were of the ruffian type and well armed, but public prayer and a presentation of Bibles were sufficient, in some eyes, to give the expedition the character of a crusade. In the North contributions of money and arms poured in upon the Emigrant Aid Company, while Henry Ward Beecher of Brooklyn and professors of Yale College joined in a subscription of Sharpe's rifles, thenceforward known as "Beecher's Bibles."

In April Sheriff Jones visited Lawrence, and with the aid of United States troops arrested six men. The grand jury, following a charge by Lecompte, the chief-justice of the Territory, presently indicted Robinson, Reeder, and other free State leaders for treason, and recommended that two newspapers published at Lawrence be suppressed and the hotel demolished. On the 11th of

May the United States marshal, Donaldson, issued a proclamation calling upon all "law-abiding" citizens to meet at Lecompton and aid him in enforcing the laws. Ten days later a body of 750 Missourians and territorial militia invaded Lawrence, destroyed the newspaper offices, threw the presses and type into the river, bombarded and then burned the hotel, and sacked the town.

This was on the 21st of May. The next day Preston B. Brooks, a Representative from South Carolina, assaulted Sumner in the Senate chamber at Washington. Sumner, in a two days' speech published under the title of "The Crime against Kansas," had made a terrific onslaught upon the proslavery Missourians and their leaders, and thrown down a gauntlet of bitter defiance to the South. In the course of his invective he had gone out of his way to make an uncalled-for and scurrilous attack upon Senator Butler of South Carolina, who in the course of debate had made a dignified defense of Atcheson, the Missouri leader. Brooks, who was a relative of Butler, entered the Senate chamber where Sumner was writing at his desk, and beat him on the head and shoulders with a heavy cane until Sumner, covered with blood and almost unconscious, fell to the floor.

A committee appointed to investigate the

outrage reported that as the assault had been committed by a member of the House, it was not within the jurisdiction of the Senate, although it was "a breach of the privileges" of that body. A motion in the House to expel Brooks failed from lack of the necessary two-thirds. Brooks justified himself in a defiant speech, resigned his seat, and was at once reëlected by his constituents. Sumner, whose injuries had affected the spinal cord, did not resume his place in the Senate for three years and a half. The Legislature of Massachusetts, as an eloquent but silent protest, left his seat unfilled until he could return to occupy it.

The sack of Lawrence and the assault upon Sumner, coming in such quick succession, shook the nation profoundly. To many in the North the startling coincidence seemed hardly accidental. Was this the meaning of popular sovereignty? Were these the means by which the cause of slavery was henceforth to be upheld? Could Franklin Pierce still survey the situation in Kansas and declare, with his hand upon his heart, that the only question involved was that of the observance of federal law?

A few days passed, and then the country heard for the first time the name of John Brown. A native of Connecticut, growing to manhood in the rough life of the Ohio frontier, Brown had been, with varying

degrees of failure, a tanner, surveyor, farmer, land speculator, and wool merchant. Just how or when his mind fastened upon slavery as the greatest of all evils is not certain, but after 1845 he seems to have come more and more to the conviction that slavery must be destroyed by force, and that he was in some way divinely called to lead the attack. A Puritan of the Puritans, the keynote of his life was religious and moral zeal; and while his fanatical and bloodthirsty acts suggest an unsound mind, his plans were formed and carried out with coolness and intrepidity.

Brown went to Kansas in the autumn of 1855. Some of his family had already preceded him, and had settled at Osawatomie, not far from the Missouri border. Here he enrolled himself in the territorial militia and was made a captain. The peace which ended the "Wakarusa war" was not to his liking, and the news of the attack upon Lawrence was a final summons to draw the sword. Five free State men, as he reckoned it, had been wantonly killed thus far, and nothing less than the sacrifice of an equal number of the proslavery party would suffice.

Scattered along the banks of the Potawatomie creek were a number of families of proslavery squatters, neither better nor worse than the average of their class. On the night of Saturday, May 24, Brown and

seven others, including four of his sons and a son-in-law, fell upon them; and five bodies found the next day, shot, stabbed, and mutilated with cutlasses, testified to the terrible character of this new opponent of slavery. "Whoso sheddeth man's blood, by man shall his blood be shed," "without the shedding of blood there is no remission": these were favorite texts, speaking to him the awful judgments of God. The cold-blooded killing of five enemies of freedom was to John Brown a righteous act; and although he later admitted that people were not then ready for "such hard blows," he felt neither regret nor remorse.

The free State leaders denounced the outrage and repudiated Brown, while the border ruffians, instead of being awed, were made only the more furious. As a blow for freedom in Kansas, the "Potawatomie massacre" was a failure. At the call of Governor Shannon, United States dragoons took the field, compelled Brown to release some prisoners he had taken, and in July dispersed the free State legislature assembled at Topeka. For the moment, however, Brown himself was not interfered with, but Robinson, who was a prisoner at Leavenworth, was threatened with hanging, and similar threats were made against some free State men confined at Leecompton.

On the first day of July, 1856, the com-

mittee appointed to investigate affairs in Kansas made its report to the House. The two members of the majority found that each election thus far held under the laws of the Territory had "been carried by organized invasion from the State of Missouri"; that the proslavery legislature was an illegally constituted body, and that its alleged laws had been used, as a general thing, for unlawful purposes; that the elections of Whitfield and Reeder were alike irregular, although Reeder received the greater number of votes of resident citizens; that a fair election could be held only under the protection of United States troops, but that the Topeka constitution embodied the will of a majority of the people. On most of these points the minority member, Oliver, reported exactly the reverse. The House, as little able to see its way clearly as it was before, unseated Whitfield and then rejected Reeder's claim. Apparently, neither territorial government in Kansas was regarded as legal by the House.

A bill to admit Kansas as a State under the Topeka constitution was passed by the House, only to be rejected by the Senate. The House then added a "rider" to the army appropriation bill, virtually forbidding the use of troops by the President to enforce the acts of the proslavery legislature. A deadlock followed, and on August 18 Con-

gress adjourned without passing the army bill. Pierce at once called an extra session, and on the 30th, after further wrangling, the House receded and, by the narrow majority of three votes, passed the army bill without the rider.

The further history of the Kansas struggle is intertwined with the decision of the Supreme Court in the Dred Scott case, the rise of the Republican party and the election of 1856, and the Lincoln-Douglas debates; but its main points may here be separately traced.

Following the dispersal of the free State legislature at Topeka, in July, 1856, the proslavery legislature called a constitutional convention at Lecompton. The constitution framed by that convention in September, 1857, affirmed the right of property in slaves, forbade their emancipation without the consent of their owners, bound civil officers to the enforcement of the Fugitive Slave Act, and prohibited the residence of free negroes in the State. The vote on the constitution was to be "constitution with slavery," or "constitution with no slavery." If the majority of votes should be for the constitution "with no slavery," then the article relating to slavery was to be stricken out, and slavery should not exist in Kansas. The right of property in slaves already in the Territory, however, was not to be impaired.

The free State men pointed out that, even if the constitution "with no slavery" were adopted, the provisions relating to fugitives and free negroes would not be affected, for the reason that those provisions were not contained in the article relating to slavery. They accordingly denounced the action of the convention as a fraud, and refused to vote. As a result, the constitution "with slavery" was ratified, December 21, by a vote of 6143 to 589.

Governor Walker, who had taken office in November, urged that the action of the free State men was a mistake; and as that party, by voting at the regular election, had got control of the legislature, the Leecompton constitution was again submitted, and buried under an adverse majority of more than 10,000. With the capture of the regular legislature by the free State party, the so-called Topeka government under Robinson, which had all the while been maintained, came to an end.

In February, 1858, a copy of the Leecompton constitution was laid before Congress by President Buchanan, and on March 23 the Senate voted to admit Kansas as a State. Douglas, who had long since ceased to approve the conduct of the proslavery faction, opposed the arguments of President Buchanan in favor of the Leecompton constitution and voted in the negative, de-

claring in a speech that whether or not the constitution was a good one "is none of my business, and none of yours," and that even an unexceptionable constitution ought not to be forced upon the people.

Both branches of Congress were Democratic, but the House substituted for the Senate measure a bill resubmitting the Lecompton constitution to popular vote. A compromise was finally effected. An amendment offering to Kansas a large grant of public lands, as a substitute for the land provisions of the Lecompton constitution, was to be submitted to popular vote in the Territory. If it was accepted, then Kansas was forthwith to be received into the Union with the Lecompton constitution. If it was rejected, Kansas was to remain a Territory until its population was sufficient to entitle it to a representative in Congress. That number in 1860, the next census year, was 127,381, and the population of Kansas in that year 107,206.

August 3 the people of Kansas, by a vote of 11,088 to 1788, rejected the bribe which Congress had offered them. In July, 1859, a convention at Wyandotte drew up a free State constitution which was ratified by a large popular vote in October. Under that constitution Kansas, January 29, 1861, became at last a member of the Union.

An historian has aptly characterized the

Kansas struggle as the prelude to the war for the Union. The episode stands, so to speak, as the watershed dividing the period when slavery struggled for equal rights with freedom in the Union, from the period in which the Union itself struggled to continue whole. Every device known to politics, from sober argument to assault, murder, and open war, was employed to force slavery upon the Territory. That the attempt failed showed the intensity of moral conviction in the North on the subject, and the determination that no more slave States should enter the Union. And the South was as determined as the North. The men who lived through the months of border warfare in Kansas Territory were under no illusions regarding their opponents, so far as a willingness to resort to force was concerned. When the South seceded, Kansas, at least, knew that the South would fight.

On the other hand, it would be unfair to hold the South as a whole responsible for the violent scenes in Kansas. While the lower class of whites, such as made up Buford's company, were ready for lawless adventure and even crime, there were not wanting leaders who, though willing enough to see Kansas a slave State, were keenly aware that the advantage might be won at too high a price. The South felt that it had in slavery a great principle at stake, for

which it was prepared to struggle hard; but it was not yet prepared to set law and the Constitution at defiance, and rule only by might. Nor were all who fought for freedom in Kansas unsullied patriots, actuated solely by high moral motives. On both sides the gross and sordid blended inextricably with the noble, the reasoned, and the ideal.

Why, then, did the struggle ever take place, and why was it prolonged? The answer must be sought, first, in the mutual misunderstanding of North and South, and, second, in the predominance of the moral over the political motive. The Kansas contest showed, more clearly than any event in American history thus far, how completely the two sections of the country had grown apart, how irreconcilable were their social interests, and how little effort they were disposed to make to reach common ground. And when satisfaction with the existing order was, on the one hand, supplemented by a determination to maintain that order at all hazards, and, on the other, opposed by the conviction that the order was morally wrong, neither laws nor Constitution could long prevent the conflict.

CHAPTER XI

THE NEW REPUBLICANISM

WHILE the Kansas-Nebraska bill was still under discussion in Congress, and before the lawlessness and open violence which were to follow upon its enactment had been foreseen, steps were taken to form a new party. The time was ripe for change. The Democratic party, proclaiming as ever in its platforms its adherence to State rights and strict construction, had by this time become so identified with the radical demands of slavery as to make that issue, in the eyes of its opponents at least, the only fundamental one for which the party stood. With the passage of the Kansas-Nebraska Act, the Anti-Nebraska Democrats could no longer stand with their party save by a sacrifice of principle; and the Kansas debate, with its aftermath, made party affiliation preëminently a matter of principle.

The Whig party, on the other hand, was hopelessly disintegrated. A remnant of its Southern membership held together, and in the election of 1860 formed the mainstay of

the Constitutional Union party; but the majority of its Southern supporters after 1854 went over to the Democrats. The Northern Whigs did, indeed, oppose the repeal of the Missouri Compromise, but the identification of the party with the Fugitive Slave Law made it impossible to win support for candidates who bore the old party name. The Free Soilers, comprising in their membership both Democrats and Whigs, had passed their zenith as a party. Three elements, then, — Whigs, Free Soilers, and Anti-Nebraska Democrats, — were ready to be combined in a new party if a platform could be framed on which all could stand.

Unlike European countries in which representative government has come to prevail, the political life of the United States has never favored the formation and continuance of numerous party groups. From the beginning of government under the Constitution, two great parties have, as a rule, divided the great majority of the electorate between them. Moreover, the fundamental difference between these parties has always been in regard to the interpretation of the Constitution. With the defeat of the Whigs, in 1852, no party embodying the broad construction theories of Hamilton, Webster, and Clay remained to oppose the Democrats; and this notwithstanding the obvious fact that broad construction principles

afforded the only constitutional ground on which the aggressive demands of slavery could be opposed.

Herein lay the opportunity for a new party. If the various forces opposed to the further extension of slave territory could be rallied to a common standard, with the addition of such loose construction tenets as protection or internal improvements, the constitutional principles of the old Federalists and Whigs could be revived in modern guise, and the party be assured of vigor and long life. To be sure, it was asking much of a Democrat that he should accept what to him were Whig principles; yet it was not impossible that the antislavery Democrats, wholly out of sympathy as they were with their own party, might, in loving slavery less, love loose construction more.

At a State convention at Jackson, Michigan, July 6, 1854, the new Republican party was launched. The ticket which it nominated included Whigs, Free Soilers, and Democrats, as befitted the composite membership of the new organization; and its platform denounced slavery and demanded the repeal of the Fugitive Slave Law and the Kansas-Nebraska Act. A week later similar conventions were held in Ohio, Indiana, and Wisconsin, the date being chosen as that on which the Ordinance of 1787, with its prohibition of slavery northwest of the

Ohio River, was adopted. The Democrats, by taking up the name at once in the contemptuous form of "Black Republicans," contributed their share to the success of the new movement.

The Whigs were not yet prepared to give up their own organization, and with the Know-Nothing party also in the field, the fall elections showed much crossing of party lines. As a whole, however, the Kansas-Nebraska Act was pointedly condemned at the polls. Maine chose a Republican Legislature, which in turn elected a Republican governor, no candidate for that office having been chosen at the polls. Vermont elected an anti-Nebraska ticket, and Massachusetts was swept by the Know-Nothings. New York chose a Whig governor by an insignificant plurality, while three-fourths of its representatives in Congress were Anti-Nebraska men. In Pennsylvania a combination of Whigs, Free Soil Democrats, and Know-Nothings elected a Whig governor on a platform of opposition to the Kansas-Nebraska Act. Ohio and Indiana were in the Anti-Nebraska column; Illinois forsook Douglas to the extent of choosing an Anti-Nebraska legislature and five of the nine members of Congress; Michigan and Wisconsin were Republican.

Clearly these were notable gains. The mysterious strength and activity of the

Know-Nothings was a disturbing factor, but as the candidates of that party were opposed to the Kansas-Nebraska Act, their success really swelled the volume of condemnation. For the moment parties had many forms and names, but beneath formal differences was union in opposition to slavery extension. What the Republicans most needed was a leader, but Seward, who perhaps might have hastened their triumph, was still a Whig.

Before the year 1854 was over, the Southern demand for more slave territory had another pointed illustration. Reference has already been made to the political unrest in Cuba, and the difficulty which the United States encountered in checking filibustering. In October, at the suggestion of Marcy, Secretary of State, the American ministers to Great Britain, France, and Spain — James Buchanan, John Y. Mason, and Pierre Soulé — met at Ostend, Belgium, and drew up a memorial on the subject of Cuba. The memorial urged that Cuba belonged geographically to the United States; that the peace and security of the Union depended upon its acquisition; that an offer of \$100,000,000 ought to be made for the island; and that if Spain refused to sell, "then by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power." Marcy, who was not prepared for so extraordinary a pro-

posal, treated it coldly, and Soulé, the principal author of the manifesto, presently resigned.

The presidential campaign of 1856 saw four parties in the field. The Northern Whigs hovered between union with the Democrats, to whom in a way their acceptance of the Compromise of 1850 drew them, and union with the Republicans, whose constitutional views accorded better with Whig history. Already in the West, save Ohio, the fusion of Whigs and Republicans was practically complete. Most of the northern Know-Nothings, also, had joined the Republicans, but in the South, thanks to Whig recruits, the party was stronger than ever. The Democrats, though torn within and without by the slavery controversy, were still formidable, and the party was the only one which as yet could call itself national.

The Know-Nothing Convention met at Philadelphia February 22. Delegates were present from all but four of the thirty-one States. After long and violent debate a platform prepared by the national council of the order was adopted. The platform declared that "Americans must rule America;" demanded that preference be given to native-born citizens for all offices, and that a continuous residence of twenty-one years be required for naturalization; and opposed

any union between church and state. On the subject of slavery the platform was a "straddle": the right of the citizens of a Territory "to regulate their domestic and social affairs in their own mode" was asserted, at the same time that the administration was condemned for repealing the Missouri Compromise, and for its "vacillating course" on the Kansas-Nebraska question. Ex-President Fillmore was nominated for President by the majority of the delegates. The seceding delegates, who had withdrawn from the convention in consequence of the dispute over the platform, nominated Frémont.

The Democrats, who met at Cincinnati, June 2, came near to violent disruption through the presence of rival delegations from New York, representing the factions known as "hards" and "softs," and of "regular" and "Benton" delegates from Missouri. The leading candidates were Pierce, who was supported by the South, Buchanan, whose strength was in the North, and Douglas, who had a strong popular hold in both sections. On the seventeenth ballot Buchanan was nominated. The platform reaffirmed the resolutions of former conventions; denounced the "political crusade" of the Know-Nothings against Catholics and foreign-born; championed the entire congressional program of 1850 and 1854 in regard to slavery and the Terri-

tories; and demanded that "every proper effort be made to insure our ascendancy in the Gulf of Mexico."

The Republicans, who had held a preliminary convention at Pittsburg on February 22, Washington's birthday, met in regular convention at Philadelphia on June 17, the anniversary of the battle of Bunker Hill. The delegates represented all the Northern States, Virginia, the border States of Maryland, Delaware, and Kentucky, and the Territories. Seward, although now a Republican, had not been among the founders or earliest supporters of the new party, and declined to be a candidate for the presidency. Salmon P. Chase of Ohio, conspicuous in the Senate for his opposition to slavery and the Kansas-Nebraska bill, had been before his conversion too prominent a Democrat to make a safe candidate. The choice fell upon Frémont, already nominated by the seceding Know-Nothings.

The platform was bold and explicit. It denied the right of Congress, or of a territorial legislature, or of any individuals to give legal existence to slavery in any Territory; affirmed the right and duty of Congress to prohibit territorial slavery; arraigned the Pierce administration for its flagrant violation of constitutional rights in Kansas; and demanded the immediate admission of Kansas as a free State. The Ostend Mani-

festos was denounced as a "highwayman's plea." The broad construction principles of the party were shown in the demand for federal aid in the construction of a railway to the Pacific, and in the affirmation of the constitutionality of appropriations for internal improvements.

The Whigs mustered delegates from twenty-six States at Baltimore, September 17, nominated Fillmore, the regular Know-Nothing candidate, and adopted a platform which expressed "the deepest interest and anxiety" at "the present disordered condition of our national affairs"; proclaimed "an absolute necessity for avoiding geographical parties" as its "fundamental rule of political faith"; and declared that the only remedy for the "appalling" situation was to support a candidate pledged to neither section, but "holding both in a just and equal regard." "We are not called upon to discuss the subordinate questions of administration in the exercising of the constitutional powers of the government. It is enough to know that civil war is raging, and that the Union is imperilled." With no policy to set forth, the Whigs, viewing the political confusion which they had helped to create, could only wring their hands and shed tears.

The enthusiasm of the campaign rivaled that of the famous "log-cabin and hard cider" contest of 1840, but the Republicans

could not carry the election. Frémont, distinguished as an explorer but with a dubious record in the Mexican War, was a poor candidate, especially for a new party. Buchanan, although somewhat discredited by his connection with the Ostend Manifesto, had nevertheless the advantage of having been out of the country, as minister to England, during the Kansas troubles. The popular vote stood 1,838,169 for Buchanan, 1,341,264 for Frémont, and 874,534 for Fillmore. Of the 296 electoral votes, Buchanan received 174, Frémont 114, and Fillmore 8. Although Fillmore received votes in every State except South Carolina, where the electors were still chosen by the legislature, he won the entire electoral vote of Maryland only. The Republicans carried New England, New York, Ohio, Michigan, Wisconsin, and Iowa; the remaining States, except Maryland, voted for Buchanan. The new Congress was Democratic in both branches.

Pierce, in his last annual message, read the North a lesson on the dangers of disunion if aggression on the rights of the South did not cease; and elaborated once more the familiar constitutional argument against federal interference with slavery in the Territories or States. With "unmingled satisfaction" he announced that, thanks to the use of federal troops, there was now a "peaceful condition of things in Kansas."

Relations with European powers remained friendly, but the United States had refused assent to so much of the Declaration of Paris, made in 1856 by representatives of Russia, France, Great Britain, Austria, Prussia, Sardinia, and Turkey, as provided for the abolition of privateering, unless the private property, not contraband, of belligerents should also be exempt from capture by public armed vessels. In Central America the outlook was less satisfactory. In April a mob at Panama had destroyed a considerable amount of railroad property, and killed several American citizens and pillaged others; the government of New Granada had threatened a heavy tax on mail crossing the isthmus; and it had been necessary to station naval vessels at Panama and Aspinwall to guard the railroad which American capital had built.

Buchanan, in his inaugural, stole some thunder from the Republicans by urging, as a military necessity, the construction of a Pacific railway. With regard to slavery he spoke as though the question, considered as a political issue, was already settled. As, in the recent election, "the voice of the majority, speaking in the manner prescribed by the Constitution, was heard, and instant submission followed"; so Congress, with "a happy conception", had applied "the

simple rule that the will of the majority shall govern, to the settlement of the question of domestic slavery in the Territories." The "difference of opinion" that had arisen regarding "the point of time when the people of a Territory shall decide this question for themselves" was, happily, "a matter of but little practical importance"; besides, it was a judicial question whose decision belonged to the Supreme Court. Before that tribunal the issue was even then pending, "and will, it is understood, be speedily and finally settled"; and in that decision he, in common with all good citizens, would cheerfully acquiesce.

Buchanan had in mind the famous Dred Scott case, the decision in which was announced March 6, 1857, two days after the inauguration. The case had been twice argued, in February and December, 1856, but the announcement of the decision had been delayed, partly because of pressure upon the Southern members of the court to make the decision more comprehensive than was at first, apparently, intended.

To those who believed that the questions involved in the slavery struggle were capable of judicial settlement, the facts in the Dred Scott case were almost ideal. Dred Scott was a negro slave, the child of slave parents imported from Africa. In 1834 he was taken by his owner, Dr. Emerson, an

army surgeon, from Missouri to Rock Island, Illinois, and thence, in 1836, to Fort Snelling on the west side of the Mississippi, within the limits of the Louisiana purchase of 1803, and north of the Missouri Compromise line of $36^{\circ} 30'$. There, with the consent of Emerson, Scott married. In 1838 he and his family were brought back to Missouri, and held there in slavery for the next nine years.

In 1847 Scott brought suit in a lower court of Missouri to recover his freedom, on the ground of former residence in free territory. The court gave judgment in his favor, but the Supreme Court of the State reversed the decision. In 1853, Scott and his family having now become the property of one Sandford of New York, he brought suit for damages in the United States Circuit Court, on the ground that he and his family had been wrongfully detained in servitude. Sandford pleaded that Scott, being a slave of African descent, was not a citizen of the United States within the meaning of the Constitution, and hence could not sue in a federal court. The Circuit Court overruled the plea, but on other grounds denied Scott's claim to freedom. The case, which by this time had attracted wide attention, was then carried to the Supreme Court of the United States.

Chief-Justice Taney, after a learned dis-

cussion of law points, came at once to the question of citizenship. "The question," he said, "is simply this: can a negro, whose ancestors were imported into this country and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities guaranteed by that instrument to the citizen?" Are negro slaves as a class a portion of the "people of the United States?" His conclusion was that they were not; that they were neither included nor intended to be included under the term "citizens" in the Constitution, and could, therefore, claim none of the rights secured by that instrument to the people.

Taney went on to point out a distinction between citizenship of a State and citizenship of the United States. The former a State was free to grant upon any terms it pleased, but it could not thereby make its own citizen a citizen also of the United States. Only such persons or classes of persons as were citizens of the several States at the time of the adoption of the Federal Constitution, and were intended to be included in its scope, could avail themselves of the "privileges and immunities" of citizens in other States. The practice of the thirteen colonies, the language of the Declaration of

Independence, the provisions of the Constitution, and the legislation of the States, as cited by Taney, all showed that it was not the intention of the States, when framing the Constitution, to reckon negroes as citizens either of the States or of the new Union.

To the historical argument Taney added a weighty practical one. If, he urged, the States had intended to make the negro a citizen of the United States in 1787, and entitled, consequently, to the "privileges and immunities" of a citizen in every other State, "it would give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went."

Here the court should have stopped. Having found that Scott was not a citizen of Missouri within the meaning of the constitution, and consequently not entitled to

sue in a federal court, it should have remanded the case to the Circuit Court with direction to dismiss it for want of jurisdiction. What was wanted by the South, however, was a judicial opinion on the constitutionality of the Missouri Compromise; and Taney, with a great opportunity not to be lost, went on to consider whether the facts in the case entitled Scott to freedom. In other words, the court, though having no jurisdiction, proceeded to say what would have been its decision if it had had jurisdiction.

The constitutionality of the Missouri Compromise hinged upon the right of property in slaves, and in his affirmation of that right Taney was as positive and explicit as he had been in the matter of citizenship. "The right of property in a slave," he declared, "is distinctly and expressly affirmed in the Constitution. . . . And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description." Such being the case, Congress could not validly prohibit the holding of such property in any part of the Louisiana purchase, nor did Scott's residence there alter his status as a slave.

From the decision of the court two justices, McLean and Curtis, dissented. The

opinion of Curtis was the more important. Citizens of the United States at the time of the adoption of the Constitution could have been no others, he urged, than the citizens of the United States under the Confederation. As under the Confederation the only citizenship was that which a State conferred, anyone who was then a citizen of a State became, *ipso facto*, a citizen of the United States. And since, as he pointed out, all free native-born inhabitants of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, "though descended from African slaves," were citizens and even voters; and since the Constitution did not of its own motion disfranchise any class of persons, it followed that all free native-born inhabitants of a State, if citizens thereof, are citizens of the United States as well.

Having found that persons of African descent might, if free, be citizens, Curtis was at liberty, as Taney was not, to examine into the facts on which Scott based his claim to freedom. By invoking the rules of international law, which in this respect were part of the common law of Missouri, regarding the effect of residence in free territory upon the status of a slave; by pointing out that a contract of marriage, such as Scott, with Dr. Emerson's consent, had entered into at Fort Snelling, was itself "an effec-

tual act of emancipation;" and by showing that the Constitution imposes no limitation on the power of Congress to make "needful rules and regulations" for a Territory, Curtis affirmed the freedom of Scott and the constitutionality of the Missouri prohibition.

On the question of the right of Congress to prohibit or regulate slavery in the Territories, Curtis was able to cite "eight distinct instances, beginning with the first Congress and coming down to the year 1848, in which Congress has excluded slavery from the territory of the United States; and six distinct instances in which Congress organized governments of Territories by which slavery was recognized and continued, beginning also with the first Congress and coming down to the year 1822. These acts were severally signed by seven Presidents of the United States, beginning with General Washington and coming regularly down as far as John Quincy Adams, thus including all who were in public life when the Constitution was adopted." And he added the pertinent comment that "if the practical construction of the Constitution, contemporaneously with its going into effect, by men intimately acquainted with its history from their personal participation in framing and adopting it, and continued by them through a long series of acts of the gravest

importance, be entitled to weight in the judicial mind on a question of construction, it would seem to be difficult to resist the force of the acts above adverted to."

It should be borne in mind, in considering the first part of Taney's argument and Curtis's dissent from it, that prior to the Dred Scott decision the nature and limitations of citizenship in this country had not been judicially defined. So far as definition is concerned, the Constitution is silent. What Taney did was to draw a line between the citizenship which a State may confer or recognize, and that which is alone recognized by the Constitution; and to point out that the one did not necessarily, and in the case of the negro could not, carry with it the other. Curtis, on the other hand, virtually obliterated such a distinction by holding that all free native-born citizens of a State were also citizens of the United States.

No decision of the Supreme Court has ever created so much excitement, or been, perhaps, so much discussed, as this of *Scott vs. Sandford*. Not only was it clear that sectional compromises like that of 1820 were without constitutional warrant, but that popular sovereignty also could not stand. If Congress itself could not prohibit slavery in a Territory, neither could a territorial legislature do so. The whole case which Douglas had labored to construct on the

basis of the legislation of 1850 was overthrown, and property in slaves must hereafter be accorded the same measure of protection, and the same equality of right, throughout the United States as other kinds of property were entitled to. As for the negro, his situation was hopeless. The highest court in the land had decided that he was property, a thing and not a person; that the laws of a free State could not give him freedom because of any temporary sojourn within their jurisdiction; and that even emancipation, which any State might undoubtedly grant, could not make him a citizen within the meaning of the Federal Constitution.

The South, naturally, was elated. Not only had its entire contention been conceded to it, but the ceaseless pressure of Southern opinion had brought the court to its side. Doubtless a court, especially in grave constitutional matters, must in the long run be influenced by the trend of enlightened public opinion; it cannot pursue its course wholly independent of what the majority of a community has come to believe. Doubtless, too, Taney and his associates would have resented any direct or obvious attempt to coerce them. But it was to their lasting discredit that, in a cause involving long and radical sectional controversy, they should have sided with the reactionary minority,

and given the weight of their support to a cause which the moral judgment, not only of an overwhelming majority of the people of the United States, but of the civilized world as well, had all but repudiated.

To the Republicans, as to anti-slavery men of all political complexions, Taney's doctrine concerning the negro was monstrous. To declare that negroes "had no rights or privileges but such as those who held the power and the government might choose to grant them," was to negative all that the antislavery agitation had ever done. For the "assumption of authority" which had led the court, in its dictum regarding the Missouri Compromise, to violate a primary rule of judicial action and decide a question which was not properly before it, there was also prompt and merited condemnation. With practical unanimity the anti-slavery and Republican sentiment of the country repudiated the decision, and declared that it could not stand.

Repudiated or not, however, the opinion of Taney was the opinion of the court, and as such was for the time being a part of the law of the land. The dissenting views of Curtis, however much applauded as the true constitutional interpretation, were without legal force or effect. The doctrine of the Dred Scott case remained a part of the law of the land until the adoption of the Thir-

teenth and Fourteenth Amendments, in 1865 and 1868, abolished slavery and settled the question of citizenship by ordaining, in essential agreement with Curtis, that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

CHAPTER XII

UNION OR DISUNION

THE Dred Scott decision marks a culminating point in the history of the slavery controversy. Between the claim of the South to full recognition of the constitutional right to hold slaves anywhere, and the demand of the North for the exclusion of slavery from Territories and future States, there was, apparently, no ground for further compromise. The South had fought a long and bitter fight, and had won. After the court had rendered its decision, hardly a vestige of the antislavery contention remained. The practical question now was, Would the North submit? Would the antislavery forces abandon their opposition, now that the highest judicial tribunal had spoken, and be content with a Union one-half of which was free and the other half slave? The reopening of the slave trade had begun to be discussed; would the South push its advantage by demanding this concession also?

Buchanan was not a man to meet a crisis.

He had, indeed, been long in public life, first as Representative from Pennsylvania in Congress, then as Senator, later as Secretary of State under Polk, and finally as minister to Great Britain. In all of these positions he had been eminently respectable, industrious, painstaking, and courteous, but without the smallest evidence of greatness. He had consistently opposed both abolition and antislavery, and in the matter of political faith was of the straitest sect of strict construction Pharisees. In his first annual message, when Kansas was seething over the attempt to force upon it the Lecompton constitution, he could conclude a long and biassed account of events in the Territory with the remark: "Kansas has for some years occupied too much of the public attention. It is high time this should be directed to far more important objects."

Neither Dred Scott nor Kansas, however, could long be kept out of public discussion. The term of Douglas as Senator from Illinois expired in 1859, and the Legislature to be elected in the fall of 1858 would choose his successor. Douglas, of course, was a candidate for reëlection, and many Republicans, believing that his doctrine of popular sovereignty had insured freedom in Kansas, favored his candidacy. It was felt to be by no means certain that, if reëlected, he would not, through some new alignment of parties,

be the successful nominee for President in 1860.

June 16, however, the Republicans in Illinois nominated Abraham Lincoln for Senator. Lincoln was forty-nine years old. Born in Kentucky, reared in poverty and hardship on the frontier, self-educated, ungainly in appearance, he had worked his way to the front rank at the Illinois bar, had been four times elected a member of the legislature, had served a term as member of Congress, and in 1854 had been an unsuccessful aspirant for the United States Senate. Sprung from the common people, destined to fill in the popular mind a place second only to that of Washington, his strength lay in a mind disciplined by careful reading, reflection, and mathematical study, in simplicity and purity of life, in clearness of moral vision, and in a never-failing sense of humor.

In a speech before the convention accepting the nomination, Lincoln stated the case, as he understood it, with startling precision. “‘A house divided against itself cannot stand.’ I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all the other.” Friends to whom he submitted the speech

had objected to its radicalism, but Lincoln replied that "this thing has been retarded long enough," and "the time has come when these sentiments should be uttered."

The campaign opened in July. Douglas, who knew and fully appreciated his opponent, did not share the opinion of his Democratic followers that victory would be easily won. After a few preliminary speeches a series of seven joint debates was arranged. Douglas had the advantage of wide popular support, but his open hostility to the Pierce and Buchanan administrations had turned federal office-holders against him, and threatened to disrupt the Democratic party in the State. Lincoln, on the other hand, had to meet at first the opposition of eastern Republicans, including Greeley and the *New York Tribune*. Douglas was an orator and admittedly the best debater in public life. Lincoln, though the best jury lawyer in Illinois, was awkward and ill at ease until he got well into his subject; then the qualities which had earned for him the name of "Honest Abe" shone out.

At the opening of the debate Douglas charged Lincoln with being an abolitionist, and declared that, for himself, he did not believe "that the Almighty ever intended the negro to be the equal of the white man." Lincoln, in reply, denied that he had any purpose of introducing political and social equality between the races, believing that

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there was "a physical difference between the two which . . . will probably forever forbid their living together upon the footing of perfect equality." "But," he added, "I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence — the right to life, liberty, and the pursuit of happiness." The natural bonds that held the Union together were many, but slavery had always been "an apple of discord, and an element of division in the house."

A week later each candidate searchingly questioned the other. Lincoln declared that he was not committed to the abolition of the domestic slave trade or of slavery in the District of Columbia, nor to the unconditional repeal of the Fugitive Slave law; but that he did believe that Congress could and should exclude slavery from the Territories. To Douglas, in reply, he propounded the direct question as to whether the people of a Territory could, "in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution." Douglas, whose whole argument involved the attempt to harmonize popular sovereignty with the Dred Scott decision, declared that the future decision of the Supreme Court on the abstract question was immaterial,

and that "the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill." In other words, since the court had not passed judgment directly upon the Kansas-Nebraska Act, the slavery doctrine of that law was still intact.

One further extract must suffice. The real issue, declared Lincoln, is not that of constitutional theory or legal interpretation, but the right or wrong of slavery. "It is the eternal struggle between these two principles — right and wrong — throughout the world. They are the two principles which have stood face to face from the beginning of time, and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings. . . . It is the same spirit that says, 'You work and toil and earn bread, and I'll eat it.' No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another, it is the same tyrannical principle."

The senatorial campaign, lasting for more than three months, was the most exciting that Illinois had ever known. In the East, where Lincoln was almost unknown, popular interest centered mainly in Douglas, but

the publication of Lincoln's speeches, and presently of the whole debate, stamped Lincoln as one of the foremost exponents of Republican doctrine, though he had yet to draw the more conservative members of the party up to his level. By a majority of eight Douglas carried the legislature, but the Republicans elected their State ticket. Buchanan and his friends, on the other hand, were anything but pleased at a result which apparently assured to Douglas the Democratic nomination for President in 1860. The administrative newspaper organ at Washington had denounced both Lincoln and Douglas as "a pair of depraved, blustering, mischievous, low-down demagogues."

Elsewhere than in Illinois the administration met reverses. The October elections of 1858 in Pennsylvania, Ohio, Indiana, and Iowa went against the administration. Towards the end of the month Seward, now generally regarded as the leader of the Republicans, made a great speech at Rochester, New York, denouncing the Democrats for their identification with slavery, declaring that slavery and freedom were not only incongruous but incompatible, and that the two systems, continually coming into closer contact, were resulting in collision. "Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators,

and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation."

The thought was Lincoln's, but its enunciation by Seward, whether he had reached his conclusion independently or not, gave it the weight of a statesman. In November, New England, New York, and the States of the Northwest repudiated the administration tickets, as did Pennsylvania, although in the latter case it was the tariff reduction and panic of 1857, rather than slavery and Kansas, that caused the defeat.

As if to emphasize the "irrepressible conflict," the North continued to be stirred by the execution of the Fugitive Slave law. In September, 1858, a slave-hunter named Jennings, searching for runaway slaves at Oberlin, Ohio, decoyed a negro from the town, seized him, and carried him to the near-by village of Wellington, preparatory to bringing him before a federal commissioner for trial. A crowd of Oberlin men rescued the negro and aided him to escape. Thirty-seven persons, including a professor and several students of Oberlin College, were indicted and tried at Cleveland. Two were convicted, fined and imprisoned; the others,

who had been released on recognizances, voluntarily went to jail pending trial. The administration at Washington took a lively interest in the case, but so strong was the public sympathy for the accused, and so serious the political consequences that were likely to follow if the matter was pressed, that the remaining cases were presently dropped and the prisoners released.

In his annual message of December, 1858, Buchanan was able to inform Congress of the settlement of a serious difficulty in Utah. The Territory of Utah had been occupied by Mormons, whose industry and skill had gone far to turn the desert about Salt Lake into a garden. From the first, however, there was friction with the "Gentiles," or non-Mormons, attended with murders and outrages. Under the leadership of Brigham Young, the head of the Mormon church and governor of the Territory, a despotism was established which set at defiance the authority of the United States, and in 1857 the federal officers in Utah were compelled, for personal safety, to withdraw. The Mormons were well armed, supplied with provisions for three years, and ready if necessary, Young declared, to "take to the mountains and bid defiance to all powers of the government."

Buchanan removed Young, appointed a new governor, Cumming, and other federal

officials, and ordered a detachment of troops to accompany them to Utah. In September, 1857, Young issued a proclamation establishing martial law, and vacated and burned Fort Bridger and Fort Supply. On October 4 the Mormons captured and burned three supply trains and carried off several hundred animals. The troops spent a hard winter at Fort Bridger, and preparations were made for the dispatch of a large additional force in the spring. In April, hoping to avoid open war, two commissioners were sent to Utah, and with the aid of Cumming and the troops succeeded in restoring order.

Buchanan still longed for Cuba. His message of 1858 declared the island to be "a constant source of injury and annoyance to the American people." With the slavery question a seething ferment on every hand, he could nevertheless solemnly urge, as a further reason for acquisition, that Cuba "is the only spot in the civilized world where the African slave trade is tolerated," and that "as long as this market shall remain open there can be no hope for the civilization of benighted Africa." The suggestion of an appropriation for the purchase of the island, however, was vigorously resented by Spain, and the matter was presently dropped.

In the world of finance and business, on the other hand, the outlook at the close of

1858 was favorable. The country was recovering from the effects of the panic of 1857. The falling off of imports, however, had brought about a corresponding reduction of revenue, and the debt had been increased by an issue, in December, 1857, of \$20,000,000 in treasury notes, and in June, 1858, of a loan of the same amount. Buchanan recommended a revision of the tariff, and urged the advantage of specific duties in place of the existing system.

In October, 1859, the country was startled by the news of the John Brown raid. Brown had returned from Kansas in January, 1858, and on February 22, at the house of Gerritt Smith at Peterboro', New York, had unfolded to Smith and Frank Sanborn his plan to attack slavery by force. He proposed to establish himself in the Virginia mountains, and with the aid of slaves who would flock to him, and of twelve recruits who were drilling in Iowa, to organize a government, levy war, and eventually, through amendment of the Constitution, abolish slavery. Orders had already been placed for arms, and with the assurance of eight hundred dollars he was prepared to begin operations in May.

Sanborn laid the matter before Theodore Parker and other Boston friends, and a fund of one thousand dollars was raised. The threatened defection of a follower in

Iowa, however, delayed the execution of the plan, and it was not resumed until the spring of 1859. Then, with a fund now increased to about four thousand dollars, Brown rented two farmhouses about four miles from the United States arsenal at Harper's Ferry, Virginia. Here he cautiously collected arms and ammunition, and a force of thirteen whites and five negroes.

On the night of Sunday, October 16, the attack was made. The arsenal, armory, and rifle works, none of which were guarded by troops, were seized and occupied; the mail train to Baltimore was stopped for several hours, and a colored porter shot; and several neighboring slaveholders, among them a descendant of Washington, were arrested and brought in as prisoners. At daybreak, when the citizens of the town discovered the situation, an attack upon the invaders began, the militia were called out, and the telegraph carried the news far and wide. On Monday evening a company of marines, under command of Col. Robert E. Lee, reached Harper's Ferry. Out of regard to the safety of the prisoners held by Brown, an attack upon the engine house, in which the remnant of Brown's forces had taken refuge, was delayed until morning; then the door was broken in, and the defenders quickly overpowered.

Shaken as was Virginia and the South

dustry and the Southern people, and ought to be abolished.

A committee of the House spent three months in investigating the charge that the administration had offered bribes to members of Congress and newspaper editors to vote for the bill to admit Kansas under the Lecompton constitution. Buchanan entered a vigorous protest against the investigation, declaring that there was no public act of his life "which will not bear the strictest scrutiny." The Republican majority of the committee reported that the charges had been sustained, while the Democratic minority upheld the President. A resolution censuring the President and the Secretary of the Navy for partisan treatment of bids and contracts was passed, against which Buchanan again protested.

The Kansas question reappeared in the form of an application for the admission of the State under the Wyandotte constitution. The House passed a bill for admission, but the Senate rejected it. In the previous Congress a bill giving to heads of families the right to purchase public lands, to the amount of 160 acres, at the minimum price of \$1.25 per acre, had been made a party question; and the bill, after passing the House, had been left without action by the Senate. This "Homestead Bill" was now revived in the form of a substitute offering

lands at twenty-five cents an acre to actual settlers. Buchanan vetoed it on the ground that it interfered with the public land system, was unjust to the older States and to settlers themselves, and would unduly diminish the revenue.

All matters of legislation, however, were dwarfed into insignificance by the overshadowing importance of the presidential election. The Democrats met in convention at Charleston, April 23, 1860. Majority and minority sets of resolutions, embodying respectively the radical and conservative views of the party, were presented. On the 30th the minority resolutions, reaffirming the platform of 1856, were adopted. Many Southern delegates at once withdrew. After balloting for fifty-seven times for President, the convention adjourned to meet at Baltimore on June 18. The seceding delegates met and organized, and adjourned to meet at Richmond on June 11. The regular convention, reassembling at Richmond, at once nominated Douglas. A further secession took place, and the seceders, joined by those who had withdrawn at Charleston, nominated John C. Breckinridge of Kentucky. The platform of the Breckinridge delegates included an uncompromising assertion of the rights of slavery in the Territories.

On May 9 a convention of delegates styling themselves the Constitutional Union party

met at Baltimore, adopted a platform calling for "the Constitution of the country, the union of the States, and the enforcement of the laws," and nominated John Bell of Tennessee for President.

The Republicans met at Chicago May 16. The leading candidate was Seward, but he had to reckon with the bitter opposition of Greeley and the New York *Tribune*, the latter now the leading organ of the party; and his radical views on slavery were by no means generally acceptable. After three ballots, Lincoln was unanimously nominated. The platform, adopted before the nominations were made, planted the Republicans squarely on antislavery ground in declaring "that the normal condition of all the territory of the United States is that of freedom," and calling for the immediate admission of Kansas under the Wyandotte constitution; but it shrewdly appealed to progressive and broad construction sentiment on other grounds also, favoring a protective tariff, the passage of the Homestead bill as framed by the House, river and harbor improvements, and a Pacific railway.

The campaign was as ominous as it was exciting. The Republicans were confident of success, while from the South came open threats of withdrawing from the Union if Lincoln were elected. The only hope of avoiding a rupture lay, apparently, in the

division among the Democrats; for while Breckinridge, the radical Southern candidate, stood for secession, Douglas, the regular Democratic nominee, stood for union.

The vote was instructive. In a total of 303 electoral votes, Lincoln had 180, Breckinridge 72, Bell 39, and Douglas 12. The popular vote stood 1,866,452 for Lincoln, 1,376,957 for Douglas, 849,781 for Breckinridge, and 588,879 for Bell. Lincoln's popular vote was a noticeable minority of the total, but in the South, where, with the exception of Virginia and the border States, he received no votes at all, the combined popular vote of Douglas and Bell, both Union candidates, exceeded by more than 100,000 the vote for Breckinridge.

But the temper of the South had been sorely tried, and the South, whether right or wrong, was not afraid. The desirability of slavery was, indeed, still a debatable question; but what the South demanded was the right to live its own life in its own way, under such social institutions as were satisfactory to itself. And since, with a Republican administration soon to be inaugurated, there seemed small likelihood that the South would long be able to defend itself in the Union, it sought, with mingled anger and regret, political and social independence out of the Union.

The only State in which presidential elec-

tors were still chosen by the Legislature was South Carolina. The legislature met for that purpose November 4. As soon as the result of the election was known, every federal office-holder in the State resigned. On the 12th an act was passed summoning a convention to consider the question of withdrawing from the Union, and the next day a governor was chosen who at once formed a cabinet as though South Carolina were an independent State. The convention met on December 17, and on the 20th issued the famous Ordinance of Secession. The next day the representatives of the State in Congress withdrew from the House of Representatives.

Buchanan was advised by his Attorney-General, Black, that he had no constitutional power to use force in South Carolina unless there was federal property to defend or federal officials to uphold; and he could do no more, in his annual message in December, than declare that while no State might constitutionally secede, he was helpless if it did. Meantime conventions were being called in Georgia, Florida, Alabama, Mississippi, and Louisiana. On December 12 Black succeeded Cass as Secretary of State, and a new Attorney-General, Edwin M. Stanton, with far more vigorous views of the President's powers, entered the cabinet. Two weeks later three commissioners from

South Carolina appeared at Washington to demand the immediate removal of federal troops from the forts in Charleston harbor.

There were not wanting many who still hoped for peaceable adjustment. Innumerable compromise resolutions were presented in Congress. The one which for a time seemed most likely to succeed, known as the Crittenden Compromise, proposed a number of amendments to the Constitution, practically conceding all that the South had ever claimed. Even Seward was willing to vote for an irrepealable amendment protecting slavery in the States in which it already existed. In February a peace congress, comprising delegates from twenty-one States and presided over by ex-President Tyler, met at Washington and recommended elaborate amendments; while Congress itself, March 2, voted to submit an amendment forever restraining that body from interfering with slavery in any State.

But the movement for secession went forward systematically. On January 9 Mississippi seceded, followed by Florida on January 10, Alabama on January 11, Georgia on January 19, and Louisiana on January 26. On the 8th of February a congress of representatives from the five seceded States met at Montgomery, Alabama, and adopted a provisional constitution, replaced in March by the permanent constitution of the Con-

federate States of America. The President of the new government was Jefferson Davis, lately Senator from Mississippi. As fast as the States announced their withdrawal from the Union, they seized the federal property within their limits, the total amount taken over being estimated at \$30,000,000. With the secession of Texas, in February, about half of the regular army of the United States was surrendered to the authorities of the State.

Lincoln went to Washington ten days before his inauguration, escaping a plot to assassinate him as he passed through Baltimore, and remained quietly at a hotel until Buchanan's term had ended. The burden of his conversations with those who called upon him was the necessity of saving the Union, and the hope that the final appeal to arms might be avoided. With events progressing as they were, perhaps he himself did not yet know what his policy would be, but he meant to appease the South and prevent disruption if such were possible. On the 4th of March, with all the troops that General Scott could muster guarding Pennsylvania Avenue, he rode to the capitol, took the oath of office, read his inaugural address, and returned to the White House to take up, sadly but courageously, the supreme task of saving the Union.

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